

**Calendar No. 190**

108<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2658**

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IN THE SENATE OF THE UNITED STATES

JULY 9, 2003

Received

JULY 10, 2003

Read twice and placed on the calendar

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**AN ACT**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 2004, for military func-  
4 tions administered by the Department of Defense and for  
5 other purposes, namely:

6 TITLE I

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the  
14 Army on active duty, (except members of reserve compo-  
15 nents provided for elsewhere), cadets, and aviation cadets;  
16 and for payments pursuant to section 156 of Public Law  
17 97-377, as amended (42 U.S.C. 402 note), and to the De-  
18 partment of Defense Military Retirement Fund,  
19 \$28,233,436,000.

20 MILITARY PERSONNEL, NAVY

21 For pay, allowances, individual clothing, subsistence,  
22 interest on deposits, gratuities, permanent change of sta-  
23 tion travel (including all expenses thereof for organiza-  
24 tional movements), and expenses of temporary duty travel  
25 between permanent duty stations, for members of the

1 Navy on active duty (except members of the Reserve pro-  
2 vided for elsewhere), midshipmen, and aviation cadets; and  
3 for payments pursuant to section 156 of Public Law 97-  
4 377, as amended (42 U.S.C. 402 note), and to the Depart-  
5 ment of Defense Military Retirement Fund,  
6 \$23,052,001,000.

7           MILITARY PERSONNEL, MARINE CORPS

8           For pay, allowances, individual clothing, subsistence,  
9 interest on deposits, gratuities, permanent change of sta-  
10 tion travel (including all expenses thereof for organiza-  
11 tional movements), and expenses of temporary duty travel  
12 between permanent duty stations, for members of the Ma-  
13 rine Corps on active duty (except members of the Reserve  
14 provided for elsewhere); and for payments pursuant to sec-  
15 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
16 402 note), and to the Department of Defense Military Re-  
17 tirement Fund, \$8,962,197,000.

18           MILITARY PERSONNEL, AIR FORCE

19           For pay, allowances, individual clothing, subsistence,  
20 interest on deposits, gratuities, permanent change of sta-  
21 tion travel (including all expenses thereof for organiza-  
22 tional movements), and expenses of temporary duty travel  
23 between permanent duty stations, for members of the Air  
24 Force on active duty (except members of reserve compo-  
25 nents provided for elsewhere), cadets, and aviation cadets;

1 and for payments pursuant to section 156 of Public Law  
2 97–377, as amended (42 U.S.C. 402 note), and to the De-  
3 partment of Defense Military Retirement Fund,  
4 \$23,121,003,000.

5 RESERVE PERSONNEL, ARMY

6 For pay, allowances, clothing, subsistence, gratuities,  
7 travel, and related expenses for personnel of the Army Re-  
8 serve on active duty under sections 10211, 10302, and  
9 3038 of title 10, United States Code, or while serving on  
10 active duty under section 12301(d) of title 10, United  
11 States Code, in connection with performing duty specified  
12 in section 12310(a) of title 10, United States Code, or  
13 while undergoing reserve training, or while performing  
14 drills or equivalent duty or other duty, and for members  
15 of the Reserve Officers' Training Corps, and expenses au-  
16 thorized by section 16131 of title 10, United States Code;  
17 and for payments to the Department of Defense Military  
18 Retirement Fund, \$3,568,625,000.

19 RESERVE PERSONNEL, NAVY

20 For pay, allowances, clothing, subsistence, gratuities,  
21 travel, and related expenses for personnel of the Navy Re-  
22 serve on active duty under section 10211 of title 10,  
23 United States Code, or while serving on active duty under  
24 section 12301(d) of title 10, United States Code, in con-  
25 nection with performing duty specified in section 12310(a)

1 of title 10, United States Code, or while undergoing re-  
2 serve training, or while performing drills or equivalent  
3 duty, and for members of the Reserve Officers' Training  
4 Corps, and expenses authorized by section 16131 of title  
5 10, United States Code; and for payments to the Depart-  
6 ment of Defense Military Retirement Fund,  
7 \$1,983,153,000.

8           RESERVE PERSONNEL, MARINE CORPS

9           For pay, allowances, clothing, subsistence, gratuities,  
10 travel, and related expenses for personnel of the Marine  
11 Corps Reserve on active duty under section 10211 of title  
12 10, United States Code, or while serving on active duty  
13 under section 12301(d) of title 10, United States Code,  
14 in connection with performing duty specified in section  
15 12310(a) of title 10, United States Code, or while under-  
16 going reserve training, or while performing drills or equiv-  
17 alent duty, and for members of the Marine Corps platoon  
18 leaders class, and expenses authorized by section 16131  
19 of title 10, United States Code; and for payments to the  
20 Department of Defense Military Retirement Fund,  
21 \$571,444,000.

22           RESERVE PERSONNEL, AIR FORCE

23           For pay, allowances, clothing, subsistence, gratuities,  
24 travel, and related expenses for personnel of the Air Force  
25 Reserve on active duty under sections 10211, 10305, and

1 8038 of title 10, United States Code, or while serving on  
2 active duty under section 12301(d) of title 10, United  
3 States Code, in connection with performing duty specified  
4 in section 12310(a) of title 10, United States Code, or  
5 while undergoing reserve training, or while performing  
6 drills or equivalent duty or other duty, and for members  
7 of the Air Reserve Officers' Training Corps, and expenses  
8 authorized by section 16131 of title 10, United States  
9 Code; and for payments to the Department of Defense  
10 Military Retirement Fund, \$1,267,888,000.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For pay, allowances, clothing, subsistence, gratuities,  
13 travel, and related expenses for personnel of the Army Na-  
14 tional Guard while on duty under section 10211, 10302,  
15 or 12402 of title 10 or section 708 of title 32, United  
16 States Code, or while serving on duty under section  
17 12301(d) of title 10 or section 502(f) of title 32, United  
18 States Code, in connection with performing duty specified  
19 in section 12310(a) of title 10, United States Code, or  
20 while undergoing training, or while performing drills or  
21 equivalent duty or other duty, and expenses authorized by  
22 section 16131 of title 10, United States Code; and for pay-  
23 ments to the Department of Defense Military Retirement  
24 Fund, \$5,382,719,000.

## 1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Na-  
4 tional Guard on duty under section 10211, 10305, or  
5 12402 of title 10 or section 708 of title 32, United States  
6 Code, or while serving on duty under section 12301(d) of  
7 title 10 or section 502(f) of title 32, United States Code,  
8 in connection with performing duty specified in section  
9 12310(a) of title 10, United States Code, or while under-  
10 going training, or while performing drills or equivalent  
11 duty or other duty, and expenses authorized by section  
12 16131 of title 10, United States Code; and for payments  
13 to the Department of Defense Military Retirement Fund,  
14 \$2,140,598,000.

## 15 TITLE II

## 16 OPERATION AND MAINTENANCE

## 17 OPERATION AND MAINTENANCE, ARMY

## 18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance of the Army, as author-  
21 ized by law; and not to exceed \$11,034,000 can be used  
22 for emergencies and extraordinary expenses, to be ex-  
23 pended on the approval or authority of the Secretary of  
24 the Army, and payments may be made on his certificate  
25 of necessity for confidential military purposes,

1 \$24,903,992,000: *Provided*, That of the funds appro-  
2 priated in this paragraph, not less than \$355,000,000  
3 shall be made available only for conventional ammunition  
4 care and maintenance: *Provided further*, That of funds  
5 made available under this heading, \$2,500,000 shall be  
6 available for Fort Baker, in accordance with the terms and  
7 conditions as provided under the heading “Operation and  
8 Maintenance, Army”, in Public Law 107–117.

9           OPERATION AND MAINTENANCE, NAVY

10       For expenses, not otherwise provided for, necessary  
11 for the operation and maintenance of the Navy and the  
12 Marine Corps, as authorized by law; and not to exceed  
13 \$4,463,000 can be used for emergencies and extraordinary  
14 expenses, to be expended on the approval or authority of  
15 the Secretary of the Navy, and payments may be made  
16 on his certificate of necessity for confidential military pur-  
17 poses, \$28,060,240,000.

18       OPERATION AND MAINTENANCE, MARINE CORPS

19       For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance of the Marine Corps,  
21 as authorized by law, \$3,440,456,000.

22       OPERATION AND MAINTENANCE, AIR FORCE

23       For expenses, not otherwise provided for, necessary  
24 for the operation and maintenance of the Air Force, as  
25 authorized by law; and not to exceed \$7,801,000 can be

1 used for emergencies and extraordinary expenses, to be ex-  
2 pended on the approval or authority of the Secretary of  
3 the Air Force, and payments may be made on his certifi-  
4 cate of necessity for confidential military purposes,  
5 \$26,689,043,000: *Provided*, That notwithstanding any  
6 other provision of law, that of the funds available under  
7 this heading, \$750,000 shall only be available to the Sec-  
8 retary of the Air Force for a grant to Florida Memorial  
9 College for the purpose of funding minority aviation train-  
10 ing.

11 OPERATION AND MAINTENANCE, DEFENSE-WIDE  
12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses, not otherwise provided for, necessary  
14 for the operation and maintenance of activities and agen-  
15 cies of the Department of Defense (other than the military  
16 departments), as authorized by law, \$16,124,455,000, of  
17 which not to exceed \$25,000,000 may be available for the  
18 CINC initiative fund account; and of which not to exceed  
19 \$34,500,000 can be used for emergencies and extraor-  
20 dinary expenses, to be expended on the approval or author-  
21 ity of the Secretary of Defense, and payments may be  
22 made on his certificate of necessity for confidential mili-  
23 tary purposes: *Provided*, That notwithstanding any other  
24 provision of law, of the funds provided in this Act for Civil  
25 Military programs under this heading, \$500,000 shall be

1 available for a grant for Outdoor Odyssey, Roaring Run,  
2 Pennsylvania, to support the Youth Development and  
3 Leadership program and Department of Defense  
4 STARBASE program: *Provided further*, That none of the  
5 funds appropriated or otherwise made available by this  
6 Act may be used to plan or implement the consolidation  
7 of a budget or appropriations liaison office of the Office  
8 of the Secretary of Defense, the office of the Secretary  
9 of a military department, or the service headquarters of  
10 one of the Armed Forces into a legislative affairs or legis-  
11 lative liaison office: *Provided further*, That \$4,700,000, to  
12 remain available until expended, is available only for ex-  
13 penses relating to certain classified activities, and may be  
14 transferred as necessary by the Secretary to operation and  
15 maintenance appropriations or research, development, test  
16 and evaluation appropriations, to be merged with and to  
17 be available for the same time period as the appropriations  
18 to which transferred: *Provided further*, That any ceiling  
19 on the investment item unit cost of items that may be pur-  
20 chased with operation and maintenance funds shall not  
21 apply to the funds described in the preceding proviso: *Pro-*  
22 *vided further*, That the transfer authority provided under  
23 this heading is in addition to any other transfer authority  
24 provided elsewhere in this Act.

## 1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Army Reserve; re-  
5 pair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$2,031,309,000.

## 9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary  
11 for the operation and maintenance, including training, or-  
12 ganization, and administration, of the Navy Reserve; re-  
13 pair of facilities and equipment; hire of passenger motor  
14 vehicles; travel and transportation; care of the dead; re-  
15 cruiting; procurement of services, supplies, and equip-  
16 ment; and communications, \$1,171,921,000.

## 17 OPERATION AND MAINTENANCE, MARINE CORPS

## 18 RESERVE

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance, including training, or-  
21 ganization, and administration, of the Marine Corps Re-  
22 serve; repair of facilities and equipment; hire of passenger  
23 motor vehicles; travel and transportation; care of the dead;  
24 recruiting; procurement of services, supplies, and equip-  
25 ment; and communications, \$173,952,000.

## 1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Air Force Reserve;  
5 repair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$2,144,188,000.

## 9 OPERATION AND MAINTENANCE, ARMY NATIONAL

## 10 GUARD

11 For expenses of training, organizing, and admin-  
12 istering the Army National Guard, including medical and  
13 hospital treatment and related expenses in non-Federal  
14 hospitals; maintenance, operation, and repairs to struc-  
15 tures and facilities; hire of passenger motor vehicles; per-  
16 sonnel services in the National Guard Bureau; travel ex-  
17 penses (other than mileage), as authorized by law for  
18 Army personnel on active duty, for Army National Guard  
19 division, regimental, and battalion commanders while in-  
20 specting units in compliance with National Guard Bureau  
21 regulations when specifically authorized by the Chief, Na-  
22 tional Guard Bureau; supplying and equipping the Army  
23 National Guard as authorized by law; and expenses of re-  
24 pair, modification, maintenance, and issue of supplies and  
25 equipment (including aircraft), \$4,325,231,000.

## 1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For operation and maintenance of the Air National  
3 Guard, including medical and hospital treatment and re-  
4 lated expenses in non-Federal hospitals; maintenance, op-  
5 eration, repair, and other necessary expenses of facilities  
6 for the training and administration of the Air National  
7 Guard, including repair of facilities, maintenance, oper-  
8 ation, and modification of aircraft; transportation of  
9 things, hire of passenger motor vehicles; supplies, mate-  
10 rials, and equipment, as authorized by law for the Air Na-  
11 tional Guard; and expenses incident to the maintenance  
12 and use of supplies, materials, and equipment, including  
13 such as may be furnished from stocks under the control  
14 of agencies of the Department of Defense; travel expenses  
15 (other than mileage) on the same basis as authorized by  
16 law for Air National Guard personnel on active Federal  
17 duty, for Air National Guard commanders while inspecting  
18 units in compliance with National Guard Bureau regula-  
19 tions when specifically authorized by the Chief, National  
20 Guard Bureau, \$4,424,046,000.

## 21 OVERSEAS CONTINGENCY OPERATIONS TRANSFER

## 22 ACCOUNT

23 (INCLUDING TRANSFER OF FUNDS)

24 For expenses directly relating to Overseas Contin-  
25 gency Operations by United States military forces,

1 \$5,000,000, to remain available until expended: *Provided*,  
2 That the Secretary of Defense may transfer these funds  
3 only to military personnel accounts; operation and mainte-  
4 nance accounts within this title; the Defense Health Pro-  
5 gram appropriation; procurement accounts; research, de-  
6 velopment, test and evaluation accounts; and to working  
7 capital funds: *Provided further*, That the funds transferred  
8 shall be merged with and shall be available for the same  
9 purposes and for the same time period, as the appropria-  
10 tion to which transferred: *Provided further*, That upon de-  
11 termination that all or part of the funds transferred from  
12 this appropriation are not necessary for the purposes pro-  
13 vided herein, such amounts may be transferred back to  
14 this appropriation: *Provided further*, That the transfer au-  
15 thority provided in this paragraph is in addition to any  
16 other transfer authority contained elsewhere in this Act.

17 UNITED STATES COURT OF APPEALS FOR THE ARMED  
18 FORCES

19 For salaries and expenses necessary for the United  
20 States Court of Appeals for the Armed Forces,  
21 \$10,333,000, of which not to exceed \$2,500 can be used  
22 for official representation purposes.

## 1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$396,018,000, to  
4 remain available until transferred: *Provided*, That the Sec-  
5 retary of the Army shall, upon determining that such  
6 funds are required for environmental restoration, reduc-  
7 tion and recycling of hazardous waste, removal of unsafe  
8 buildings and debris of the Department of the Army, or  
9 for similar purposes, transfer the funds made available by  
10 this appropriation to other appropriations made available  
11 to the Department of the Army, to be merged with and  
12 to be available for the same purposes and for the same  
13 time period as the appropriations to which transferred:  
14 *Provided further*, That upon a determination that all or  
15 part of the funds transferred from this appropriation are  
16 not necessary for the purposes provided herein, such  
17 amounts may be transferred back to this appropriation.

## 18 ENVIRONMENTAL RESTORATION, NAVY

19 (INCLUDING TRANSFER OF FUNDS)

20 For the Department of the Navy, \$256,153,000, to  
21 remain available until transferred: *Provided*, That the Sec-  
22 retary of the Navy shall, upon determining that such  
23 funds are required for environmental restoration, reduc-  
24 tion and recycling of hazardous waste, removal of unsafe  
25 buildings and debris of the Department of the Navy, or

1 for similar purposes, transfer the funds made available by  
2 this appropriation to other appropriations made available  
3 to the Department of the Navy, to be merged with and  
4 to be available for the same purposes and for the same  
5 time period as the appropriations to which transferred:  
6 *Provided further*, That upon a determination that all or  
7 part of the funds transferred from this appropriation are  
8 not necessary for the purposes provided herein, such  
9 amounts may be transferred back to this appropriation.

10 ENVIRONMENTAL RESTORATION, AIR FORCE

11 (INCLUDING TRANSFER OF FUNDS)

12 For the Department of the Air Force, \$384,307,000,  
13 to remain available until transferred: *Provided*, That the  
14 Secretary of the Air Force shall, upon determining that  
15 such funds are required for environmental restoration, re-  
16 duction and recycling of hazardous waste, removal of un-  
17 safe buildings and debris of the Department of the Air  
18 Force, or for similar purposes, transfer the funds made  
19 available by this appropriation to other appropriations  
20 made available to the Department of the Air Force, to be  
21 merged with and to be available for the same purposes  
22 and for the same time period as the appropriations to  
23 which transferred: *Provided further*, That upon a deter-  
24 mination that all or part of the funds transferred from  
25 this appropriation are not necessary for the purposes pro-

1 vided herein, such amounts may be transferred back to  
2 this appropriation.

3 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of Defense, \$24,081,000, to re-  
6 main available until transferred: *Provided*, That the Sec-  
7 retary of Defense shall, upon determining that such funds  
8 are required for environmental restoration, reduction and  
9 recycling of hazardous waste, removal of unsafe buildings  
10 and debris of the Department of Defense, or for similar  
11 purposes, transfer the funds made available by this appro-  
12 priation to other appropriations made available to the De-  
13 partment of Defense, to be merged with and to be avail-  
14 able for the same purposes and for the same time period  
15 as the appropriations to which transferred: *Provided fur-*  
16 *ther*, That upon a determination that all or part of the  
17 funds transferred from this appropriation are not nec-  
18 essary for the purposes provided herein, such amounts  
19 may be transferred back to this appropriation.

20 ENVIRONMENTAL RESTORATION, FORMERLY USED  
21 DEFENSE SITES

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Army, \$221,369,000, to  
24 remain available until transferred: *Provided*, That the Sec-  
25 retary of the Army shall, upon determining that such

1 funds are required for environmental restoration, reduc-  
2 tion and recycling of hazardous waste, removal of unsafe  
3 buildings and debris at sites formerly used by the Depart-  
4 ment of Defense, transfer the funds made available by this  
5 appropriation to other appropriations made available to  
6 the Department of the Army, to be merged with and to  
7 be available for the same purposes and for the same time  
8 period as the appropriations to which transferred: *Pro-*  
9 *vided further*, That upon a determination that all or part  
10 of the funds transferred from this appropriation are not  
11 necessary for the purposes provided herein, such amounts  
12 may be transferred back to this appropriation.

13 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

14 For expenses relating to the Overseas Humanitarian,  
15 Disaster, and Civic Aid programs of the Department of  
16 Defense (consisting of the programs provided under sec-  
17 tions 401, 402, 404, 2547, and 2561 of title 10, United  
18 States Code), \$59,000,000, to remain available until Sep-  
19 tember 30, 2005.

20 FORMER SOVIET UNION THREAT REDUCTION

21 For assistance to the republics of the former Soviet  
22 Union, including assistance provided by contract or by  
23 grants, for facilitating the elimination and the safe and  
24 secure transportation and storage of nuclear, chemical and  
25 other weapons; for establishing programs to prevent the

1 proliferation of weapons, weapons components, and weap-  
2 on-related technology and expertise; for programs relating  
3 to the training and support of defense and military per-  
4 sonnel for demilitarization and protection of weapons,  
5 weapons components and weapons technology and exper-  
6 tise, and for defense and military contacts, \$450,800,000,  
7 to remain available until September 30, 2006.

### 8 TITLE III

### 9 PROCUREMENT

#### 10 AIRCRAFT PROCUREMENT, ARMY

11 For construction, procurement, production, modifica-  
12 tion, and modernization of aircraft, equipment, including  
13 ordnance, ground handling equipment, spare parts, and  
14 accessories therefor; specialized equipment and training  
15 devices; expansion of public and private plants, including  
16 the land necessary therefor, for the foregoing purposes,  
17 and such lands and interests therein, may be acquired,  
18 and construction prosecuted thereon prior to approval of  
19 title; and procurement and installation of equipment, ap-  
20 pliances, and machine tools in public and private plants;  
21 reserve plant and Government and contractor-owned  
22 equipment layaway; and other expenses necessary for the  
23 foregoing purposes, \$2,180,785,000, to remain available  
24 for obligation until September 30, 2006.

## 1                   MISSILE PROCUREMENT, ARMY

2           For construction, procurement, production, modifica-  
3 tion, and modernization of missiles, equipment, including  
4 ordnance, ground handling equipment, spare parts, and  
5 accessories therefor; specialized equipment and training  
6 devices; expansion of public and private plants, including  
7 the land necessary therefor, for the foregoing purposes,  
8 and such lands and interests therein, may be acquired,  
9 and construction prosecuted thereon prior to approval of  
10 title; and procurement and installation of equipment, ap-  
11 pliances, and machine tools in public and private plants;  
12 reserve plant and Government and contractor-owned  
13 equipment layaway; and other expenses necessary for the  
14 foregoing purposes, \$1,533,462,000, to remain available  
15 for obligation until September 30, 2006.

16           PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
17                   VEHICLES, ARMY

18           For construction, procurement, production, and  
19 modification of weapons and tracked combat vehicles,  
20 equipment, including ordnance, spare parts, and acces-  
21 sories therefor; specialized equipment and training devices;  
22 expansion of public and private plants, including the land  
23 necessary therefor, for the foregoing purposes, and such  
24 lands and interests therein, may be acquired, and con-  
25 struction prosecuted thereon prior to approval of title; and

1 procurement and installation of equipment, appliances,  
2 and machine tools in public and private plants; reserve  
3 plant and Government and contractor-owned equipment  
4 layaway; and other expenses necessary for the foregoing  
5 purposes, \$1,956,504,000, to remain available for obliga-  
6 tion until September 30, 2006: *Provided*, That of the  
7 funds made available under this heading, \$35,000,000  
8 shall be available only for advance procurement items for  
9 the fifth and sixth Stryker Brigade Combat Teams.

10           PROCUREMENT OF AMMUNITION, ARMY

11       For construction, procurement, production, and  
12 modification of ammunition, and accessories therefor; spe-  
13 cialized equipment and training devices; expansion of pub-  
14 lic and private plants, including ammunition facilities au-  
15 thorized by section 2854 of title 10, United States Code,  
16 and the land necessary therefor, for the foregoing pur-  
17 poses, and such lands and interests therein, may be ac-  
18 quired, and construction prosecuted thereon prior to ap-  
19 proval of title; and procurement and installation of equip-  
20 ment, appliances, and machine tools in public and private  
21 plants; reserve plant and Government and contractor-  
22 owned equipment layaway; and other expenses necessary  
23 for the foregoing purposes, \$1,355,466,000, to remain  
24 available for obligation until September 30, 2006.

## 1                   OTHER PROCUREMENT, ARMY

2           For construction, procurement, production, and  
3 modification of vehicles, including tactical, support, and  
4 non-tracked combat vehicles; the purchase of passenger  
5 motor vehicles for replacement only; and the purchase of  
6 4 vehicles required for physical security of personnel, not-  
7 withstanding price limitations applicable to passenger ve-  
8 hicles but not to exceed \$180,000 per vehicle; communica-  
9 tions and electronic equipment; other support equipment;  
10 spare parts, ordnance, and accessories therefor; specialized  
11 equipment and training devices; expansion of public and  
12 private plants, including the land necessary therefor, for  
13 the foregoing purposes, and such lands and interests  
14 therein, may be acquired, and construction prosecuted  
15 thereon prior to approval of title; and procurement and  
16 installation of equipment, appliances, and machine tools  
17 in public and private plants; reserve plant and Govern-  
18 ment and contractor-owned equipment layaway; and other  
19 expenses necessary for the foregoing purposes,  
20 \$4,547,596,000, to remain available for obligation until  
21 September 30, 2006.

## 22                   AIRCRAFT PROCUREMENT, NAVY

23           For construction, procurement, production, modifica-  
24 tion, and modernization of aircraft, equipment, including  
25 ordnance, spare parts, and accessories therefor; specialized

1 equipment; expansion of public and private plants, includ-  
2 ing the land necessary therefor, and such lands and inter-  
3 ests therein, may be acquired, and construction prosecuted  
4 thereon prior to approval of title; and procurement and  
5 installation of equipment, appliances, and machine tools  
6 in public and private plants; reserve plant and Govern-  
7 ment and contractor-owned equipment layaway,  
8 \$9,030,148,000, to remain available for obligation until  
9 September 30, 2006.

10 WEAPONS PROCUREMENT, NAVY

11 For construction, procurement, production, modifica-  
12 tion, and modernization of missiles, torpedoes, other weap-  
13 ons, and related support equipment including spare parts,  
14 and accessories therefor; expansion of public and private  
15 plants, including the land necessary therefor, and such  
16 lands and interests therein, may be acquired, and con-  
17 struction prosecuted thereon prior to approval of title; and  
18 procurement and installation of equipment, appliances,  
19 and machine tools in public and private plants; reserve  
20 plant and Government and contractor-owned equipment  
21 layaway, \$2,205,634,000, to remain available for obliga-  
22 tion until September 30, 2006.



1 public and private plants, including land necessary there-  
2 for, and such lands and interests therein, may be acquired,  
3 and construction prosecuted thereon prior to approval of  
4 title, as follows:

5           Carrier Replacement Program, \$1,186,564,000;  
6           Virginia Class Submarine, \$2,123,221,000;  
7           SSGN Conversion, \$1,167,300,000;  
8           Cruiser Conversion, \$194,440,000;  
9           CVN Refueling Overhauls, \$367,832,000;  
10          Submarine Refueling Overhauls, \$123,372,000;  
11          DDG-51, \$3,198,311,000;  
12          LHD-1        Amphibious        Assault        Ship,  
13          \$355,006,000;  
14          LPD-17, \$1,367,034,000;  
15          Minehunter, SWATH, \$9,000,000;  
16          Service Craft, \$39,480,000;  
17          Landing    Craft    Air    Cushion,    LCAC,  
18          \$73,087,000;  
19          Prior    Year    Shipbuilding    Program,  
20          \$899,502,000; and

21           For outfitting, post delivery, conversions, and  
22           first destination transportation, \$348,949,000.

23 In all: \$11,453,098,000, to remain available for obligation  
24 until September 30, 2008: *Provided*, That additional obli-  
25 gations may be incurred after September 30, 2008, for

1 engineering services, tests, evaluations, and other such  
2 budgeted work that must be performed in the final stage  
3 of ship construction: *Provided further*, That none of the  
4 funds provided under this heading for the construction or  
5 conversion of any naval vessel to be constructed in ship-  
6 yards in the United States shall be expended in foreign  
7 facilities for the construction of major components of such  
8 vessel: *Provided further*, That none of the funds provided  
9 under this heading shall be used for the construction of  
10 any naval vessel in foreign shipyards.

11                                   OTHER PROCUREMENT, NAVY

12         For procurement, production, and modernization of  
13 support equipment and materials not otherwise provided  
14 for, Navy ordnance (except ordnance for new aircraft, new  
15 ships, and ships authorized for conversion); the purchase  
16 of passenger motor vehicles for replacement only, and the  
17 purchase of 2 vehicles required for physical security of  
18 personnel, notwithstanding price limitations applicable to  
19 passenger carrying vehicles but not to exceed \$245,000  
20 per unit; expansion of public and private plants, including  
21 the land necessary therefor, and such lands and interests  
22 therein, may be acquired, and construction prosecuted  
23 thereon prior to approval of title; and procurement and  
24 installation of equipment, appliances, and machine tools  
25 in public and private plants; reserve plant and Govern-

1 ment and contractor-owned equipment layaway,  
2 \$4,784,742,000, to remain available for obligation until  
3 September 30, 2006.

4                   PROCUREMENT, MARINE CORPS

5       For expenses necessary for the procurement, manu-  
6 facture, and modification of missiles, armament, military  
7 equipment, spare parts, and accessories therefor; plant  
8 equipment, appliances, and machine tools, and installation  
9 thereof in public and private plants; reserve plant and  
10 Government and contractor-owned equipment layaway; ve-  
11 hicles for the Marine Corps, including the purchase of pas-  
12 senger motor vehicles for replacement only; and expansion  
13 of public and private plants, including land necessary  
14 therefor, and such lands and interests therein, may be ac-  
15 quired, and construction prosecuted thereon prior to ap-  
16 proval of title, \$1,200,499,000, to remain available for ob-  
17 ligation until September 30, 2006.

18                   AIRCRAFT PROCUREMENT, AIR FORCE

19       For construction, procurement, and modification of  
20 aircraft and equipment, including armor and armament,  
21 specialized ground handling equipment, and training de-  
22 vices, spare parts, and accessories therefor; specialized  
23 equipment; expansion of public and private plants, Gov-  
24 ernment-owned equipment and installation thereof in such  
25 plants, erection of structures, and acquisition of land, for

1 the foregoing purposes, and such lands and interests  
2 therein, may be acquired, and construction prosecuted  
3 thereon prior to approval of title; reserve plant and Gov-  
4 ernment and contractor-owned equipment layaway; and  
5 other expenses necessary for the foregoing purposes in-  
6 cluding rents and transportation of things,  
7 \$11,877,051,000, to remain available for obligation until  
8 September 30, 2006.

9                   MISSILE PROCUREMENT, AIR FORCE

10       For construction, procurement, and modification of  
11 missiles, spacecraft, rockets, and related equipment, in-  
12 cluding spare parts and accessories therefor, ground han-  
13 dling equipment, and training devices; expansion of public  
14 and private plants, Government-owned equipment and in-  
15 stallation thereof in such plants, erection of structures,  
16 and acquisition of land, for the foregoing purposes, and  
17 such lands and interests therein, may be acquired, and  
18 construction prosecuted thereon prior to approval of title;  
19 reserve plant and Government and contractor-owned  
20 equipment layaway; and other expenses necessary for the  
21 foregoing purposes including rents and transportation of  
22 things, \$4,235,505,000, to remain available for obligation  
23 until September 30, 2006.

## 1           PROCUREMENT OF AMMUNITION, AIR FORCE

2           For construction, procurement, production, and  
3 modification of ammunition, and accessories therefor; spe-  
4 cialized equipment and training devices; expansion of pub-  
5 lic and private plants, including ammunition facilities au-  
6 thorized by section 2854 of title 10, United States Code,  
7 and the land necessary therefor, for the foregoing pur-  
8 poses, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title; and procurement and installation of equip-  
11 ment, appliances, and machine tools in public and private  
12 plants; reserve plant and Government and contractor-  
13 owned equipment layaway; and other expenses necessary  
14 for the foregoing purposes, \$1,279,725,000, to remain  
15 available for obligation until September 30, 2006.

## 16           OTHER PROCUREMENT, AIR FORCE

17           For procurement and modification of equipment (in-  
18 cluding ground guidance and electronic control equipment,  
19 and ground electronic and communication equipment),  
20 and supplies, materials, and spare parts therefor, not oth-  
21 erwise provided for; the purchase of passenger motor vehi-  
22 cles for replacement only, and the purchase of 1 vehicle  
23 required for physical security of personnel, notwith-  
24 standing price limitations applicable to passenger vehicles  
25 but not to exceed \$243,000 per vehicle; lease of passenger

1 motor vehicles; and expansion of public and private plants,  
2 Government-owned equipment and installation thereof in  
3 such plants, erection of structures, and acquisition of land,  
4 for the foregoing purposes, and such lands and interests  
5 therein, may be acquired, and construction prosecuted  
6 thereon, prior to approval of title; reserve plant and Gov-  
7 ernment and contractor-owned equipment layaway,  
8 \$11,195,159,000, to remain available for obligation until  
9 September 30, 2006.

10                                   PROCUREMENT, DEFENSE-WIDE

11           For expenses of activities and agencies of the Depart-  
12 ment of Defense (other than the military departments)  
13 necessary for procurement, production, and modification  
14 of equipment, supplies, materials, and spare parts there-  
15 for, not otherwise provided for; the purchase of passenger  
16 motor vehicles for replacement only, including not to ex-  
17 ceed 3 passenger motor vehicles for the Defense Security  
18 Service; the purchase of 4 vehicles required for physical  
19 security of personnel, notwithstanding price limitations  
20 applicable to passenger vehicles but not to exceed  
21 \$250,000 per vehicle; expansion of public and private  
22 plants, equipment, and installation thereof in such plants,  
23 erection of structures, and acquisition of land for the fore-  
24 going purposes, and such lands and interests therein, may  
25 be acquired, and construction prosecuted thereon prior to

1 approval of title; reserve plant and Government and con-  
2 tractor-owned equipment layaway, \$3,803,776,000, to re-  
3 main available for obligation until September 30, 2006.

4 NATIONAL GUARD AND RESERVE EQUIPMENT

5 For procurement of aircraft, missiles, tracked combat  
6 vehicles, ammunition, other weapons, and other procure-  
7 ment for the reserve components of the Armed Forces,  
8 \$100,000,000, to remain available for obligation until Sep-  
9 tember 30, 2006: *Provided*, That the Chiefs of the Reserve  
10 and National Guard components shall, not later than 30  
11 days after the enactment of this Act, individually submit  
12 to the congressional defense committees the modernization  
13 priority assessment for their respective Reserve or Na-  
14 tional Guard component.

15 DEFENSE PRODUCTION ACT PURCHASES

16 For activities by the Department of Defense pursuant  
17 to sections 108, 301, 302, and 303 of the Defense Produc-  
18 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
19 2093), \$67,516,000, to remain available until expended.

1 TITLE IV  
2 RESEARCH, DEVELOPMENT, TEST AND  
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
5 ARMY

6 For expenses necessary for basic and applied sci-  
7 entific research, development, test and evaluation, includ-  
8 ing maintenance, rehabilitation, lease, and operation of fa-  
9 cilities and equipment, \$10,186,272,000, to remain avail-  
10 able for obligation until September 30, 2005: *Provided*,  
11 That of the amounts provided under this heading,  
12 \$10,000,000 for Molecular Genetics and Musculoskeletal  
13 Research in program element 0602787A, shall remain  
14 available until expended.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
16 NAVY

17 For expenses necessary for basic and applied sci-  
18 entific research, development, test and evaluation, includ-  
19 ing maintenance, rehabilitation, lease, and operation of fa-  
20 cilities and equipment, \$14,666,239,000, to remain avail-  
21 able for obligation until September 30, 2005: *Provided*,  
22 That funds appropriated in this paragraph which are  
23 available for the V-22 may be used to meet unique oper-  
24 ational requirements of the Special Operations Forces:

1 *Provided further*, That funds appropriated in this para-  
2 graph shall be available for the Cobra Judy program.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

4 AIR FORCE

5 For expenses necessary for basic and applied sci-  
6 entific research, development, test and evaluation, includ-  
7 ing maintenance, rehabilitation, lease, and operation of fa-  
8 cilities and equipment, \$20,704,267,000, to remain avail-  
9 able for obligation until September 30, 2005.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-  
13 ment of Defense (other than the military departments),  
14 necessary for basic and applied scientific research, devel-  
15 opment, test and evaluation; advanced research projects  
16 as may be designated and determined by the Secretary  
17 of Defense, pursuant to law; maintenance, rehabilitation,  
18 lease, and operation of facilities and equipment,  
19 \$18,763,791,000, to remain available for obligation until  
20 September 30, 2005.

21 OPERATIONAL TEST AND EVALUATION, DEFENSE

22 For expenses, not otherwise provided for, necessary  
23 for the independent activities of the Director, Operational  
24 Test and Evaluation, in the direction and supervision of  
25 operational test and evaluation, including initial oper-

1 ational test and evaluation which is conducted prior to,  
2 and in support of, production decisions; joint operational  
3 testing and evaluation; and administrative expenses in  
4 connection therewith, \$293,661,000, to remain available  
5 for obligation until September 30, 2005.

6

## TITLE V

7

## REVOLVING AND MANAGEMENT FUNDS

8

## DEFENSE WORKING CAPITAL FUNDS

9

For the Defense Working Capital Funds,

10 \$1,721,507,000.

11

## NATIONAL DEFENSE SEALIFT FUND

12

For National Defense Sealift Fund programs,

13 projects, and activities, and for expenses of the National

14 Defense Reserve Fleet, as established by section 11 of the

15 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),

16 and for the necessary expenses to maintain and preserve

17 a U.S.-flag merchant fleet to serve the national security

18 needs of the United States, \$1,066,462,000, to remain

19 available until expended: *Provided*, That none of the funds

20 provided in this paragraph shall be used to award a new

21 contract that provides for the acquisition of any of the

22 following major components unless such components are

23 manufactured in the United States: auxiliary equipment,

24 including pumps, for all shipboard services; propulsion

25 system components (that is; engines, reduction gears, and

1 propellers); shipboard cranes; and spreaders for shipboard  
2 cranes: *Provided further*, That the exercise of an option  
3 in a contract awarded through the obligation of previously  
4 appropriated funds shall not be considered to be the award  
5 of a new contract: *Provided further*, That the Secretary  
6 of the military department responsible for such procure-  
7 ment may waive the restrictions in the first proviso on  
8 a case-by-case basis by certifying in writing to the Com-  
9 mittees on Appropriations of the House of Representatives  
10 and the Senate that adequate domestic supplies are not  
11 available to meet Department of Defense requirements on  
12 a timely basis and that such an acquisition must be made  
13 in order to acquire capability for national security pur-  
14 poses: *Provided further*, That, notwithstanding any other  
15 provision of law, \$6,500,000 of the funds available under  
16 this heading shall be available in addition to other  
17 amounts otherwise available, only to finance the cost of  
18 constructing additional sealift capacity.

19 TITLE VI  
20 OTHER DEPARTMENT OF DEFENSE PROGRAMS  
21 DEFENSE HEALTH PROGRAM

22 For expenses, not otherwise provided for, for medical  
23 and health care programs of the Department of Defense,  
24 as authorized by law, \$15,613,159,000, of which  
25 \$14,874,037,000 shall be for Operation and maintenance,

1 of which not to exceed 2 percent shall remain available  
2 until September 30, 2005; of which \$328,826,000, to re-  
3 main available for obligation until September 30, 2006,  
4 shall be for Procurement; and of which \$410,296,000, to  
5 remain available for obligation until September 30, 2005,  
6 shall be for Research, development, test and evaluation.

7 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

8 ARMY

9 For expenses, not otherwise provided for, necessary  
10 for the destruction of the United States stockpile of lethal  
11 chemical agents and munitions in accordance with the pro-  
12 visions of section 1412 of the Department of Defense Au-  
13 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
14 struction of other chemical warfare materials that are not  
15 in the chemical weapon stockpile, \$1,533,261,000, of  
16 which \$1,199,168,000 shall be for Operation and mainte-  
17 nance to remain available until September 30, 2005;  
18 \$79,212,000 shall be for Procurement to remain available  
19 until September 30, 2006; \$254,881,000 shall be for Re-  
20 search, development, test and evaluation to remain avail-  
21 able until September 30, 2005; and no more than  
22 \$132,677,000 may be for the Chemical Stockpile Emer-  
23 gency Preparedness Program, of which \$44,168,000 shall  
24 be for activities on military installations and \$88,509,000  
25 shall be to assist state and local governments.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
2 DEFENSE  
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of  
5 the Department of Defense, for transfer to appropriations  
6 available to the Department of Defense for military per-  
7 sonnel of the reserve components serving under the provi-  
8 sions of title 10 and title 32, United States Code; for Op-  
9 eration and maintenance; for Procurement; and for Re-  
10 search, development, test and evaluation, \$817,371,000:  
11 *Provided*, That the funds appropriated under this heading  
12 shall be available for obligation for the same time period  
13 and for the same purpose as the appropriation to which  
14 transferred: *Provided further*, That upon a determination  
15 that all or part of the funds transferred from this appro-  
16 priation are not necessary for the purposes provided here-  
17 in, such amounts may be transferred back to this appro-  
18 priation: *Provided further*, That the transfer authority pro-  
19 vided under this heading is in addition to any other trans-  
20 fer authority contained elsewhere in this Act.

21 OFFICE OF THE INSPECTOR GENERAL

22 For expenses and activities of the Office of the In-  
23 spector General in carrying out the provisions of the In-  
24 spector General Act of 1978, as amended, \$162,449,000,  
25 of which \$160,049,000 shall be for Operation and mainte-

1 nance, of which not to exceed \$700,000 is available for  
2 emergencies and extraordinary expenses to be expended on  
3 the approval or authority of the Inspector General, and  
4 payments may be made on the Inspector General's certifi-  
5 cate of necessity for confidential military purposes; and  
6 of which \$300,000 to remain available until September 30,  
7 2005, shall be for Research, Development, Test and Eval-  
8 uation; and of which \$2,100,000, to remain available until  
9 September 30, 2006, shall be for Procurement.

## 10 TITLE VII

### 11 RELATED AGENCIES

#### 12 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 13 DISABILITY SYSTEM FUND

14 For payment to the Central Intelligence Agency Re-  
15 tirement and Disability System Fund, to maintain the  
16 proper funding level for continuing the operation of the  
17 Central Intelligence Agency Retirement and Disability  
18 System, \$226,400,000.

#### 19 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT 20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Intelligence Commu-  
22 nity Management Account, \$170,640,000, of which  
23 \$26,081,000 for the Advanced Research and Development  
24 Committee shall remain available until September 30,  
25 2005: *Provided*, That of the funds appropriated under this

1 heading, \$46,100,000 shall be transferred to the Depart-  
2 ment of Justice for the National Drug Intelligence Center  
3 to support the Department of Defense's counter-drug in-  
4 telligence responsibilities, and of the said amount,  
5 \$1,500,000 for Procurement shall remain available until  
6 September 30, 2006 and \$1,000,000 for Research, devel-  
7 opment, test and evaluation shall remain available until  
8 September 30, 2005: *Provided further*, That the National  
9 Drug Intelligence Center shall maintain the personnel and  
10 technical resources to provide timely support to law en-  
11 forcement authorities and the intelligence community by  
12 conducting document and computer exploitation of mate-  
13 rials collected in Federal, State, and local law enforcement  
14 activity associated with counter-drug, counter-terrorism,  
15 and national security investigations and operations.

16 NATIONAL SECURITY EDUCATION TRUST FUND

17 For the purposes of title VIII of Public Law 102-  
18 183, \$8,000,000, to be derived from the National Security  
19 Education Trust Fund, to remain available until ex-  
20 pended.

21 TITLE VIII

22 GENERAL PROVISIONS

23 SEC. 8001. No part of any appropriation contained  
24 in this Act shall be used for publicity or propaganda pur-  
25 poses not authorized by the Congress.

1       SEC. 8002. During the current fiscal year, provisions  
2 of law prohibiting the payment of compensation to, or em-  
3 ployment of, any person not a citizen of the United States  
4 shall not apply to personnel of the Department of Defense:  
5 *Provided*, That salary increases granted to direct and indi-  
6 rect hire foreign national employees of the Department of  
7 Defense funded by this Act shall not be at a rate in excess  
8 of the percentage increase authorized by law for civilian  
9 employees of the Department of Defense whose pay is  
10 computed under the provisions of section 5332 of title 5,  
11 United States Code, or at a rate in excess of the percent-  
12 age increase provided by the appropriate host nation to  
13 its own employees, whichever is higher: *Provided further*,  
14 That this section shall not apply to Department of De-  
15 fense foreign service national employees serving at United  
16 States diplomatic missions whose pay is set by the Depart-  
17 ment of State under the Foreign Service Act of 1980: *Pro-*  
18 *vided further*, That the limitations of this provision shall  
19 not apply to foreign national employees of the Department  
20 of Defense in the Republic of Turkey.

21       SEC. 8003. No part of any appropriation contained  
22 in this Act shall remain available for obligation beyond  
23 the current fiscal year, unless expressly so provided herein.

24       SEC. 8004. No more than 20 percent of the appro-  
25 priations in this Act which are limited for obligation dur-

1 ing the current fiscal year shall be obligated during the  
2 last 2 months of the fiscal year: *Provided*, That this sec-  
3 tion shall not apply to obligations for support of active  
4 duty training of reserve components or summer camp  
5 training of the Reserve Officers' Training Corps.

6 (TRANSFER OF FUNDS)

7 SEC. 8005. Upon determination by the Secretary of  
8 Defense that such action is necessary in the national inter-  
9 est, he may, with the approval of the Office of Manage-  
10 ment and Budget, transfer not to exceed \$2,500,000,000  
11 of working capital funds of the Department of Defense  
12 or funds made available in this Act to the Department  
13 of Defense for military functions (except military con-  
14 struction) between such appropriations or funds or any  
15 subdivision thereof, to be merged with and to be available  
16 for the same purposes, and for the same time period, as  
17 the appropriation or fund to which transferred: *Provided*,  
18 That such authority to transfer may not be used unless  
19 for higher priority items, based on unforeseen military re-  
20 quirements, than those for which originally appropriated  
21 and in no case where the item for which funds are re-  
22 quested has been denied by the Congress: *Provided further*,  
23 That the Secretary of Defense shall notify the Congress  
24 promptly of all transfers made pursuant to this authority  
25 or any other authority in this Act: *Provided further*, That  
26 no part of the funds in this Act shall be available to pre-

1 pare or present a request to the Committees on Appropria-  
2 tions for reprogramming of funds, unless for higher pri-  
3 ority items, based on unforeseen military requirements,  
4 than those for which originally appropriated and in no  
5 case where the item for which reprogramming is requested  
6 has been denied by the Congress: *Provided further*, That  
7 a request for multiple reprogrammings of funds using au-  
8 thority provided in this section must be made prior to May  
9 31, 2004.

10 (TRANSFER OF FUNDS)

11 SEC. 8006. During the current fiscal year, cash bal-  
12 ances in working capital funds of the Department of De-  
13 fense established pursuant to section 2208 of title 10,  
14 United States Code, may be maintained in only such  
15 amounts as are necessary at any time for cash disburse-  
16 ments to be made from such funds: *Provided*, That trans-  
17 fers may be made between such funds: *Provided further*,  
18 That transfers may be made between working capital  
19 funds and the “Foreign Currency Fluctuations, Defense”  
20 appropriation and the “Operation and Maintenance” ap-  
21 propriation accounts in such amounts as may be deter-  
22 mined by the Secretary of Defense, with the approval of  
23 the Office of Management and Budget, except that such  
24 transfers may not be made unless the Secretary of Defense  
25 has notified the Congress of the proposed transfer. Except  
26 in amounts equal to the amounts appropriated to working

1 capital funds in this Act, no obligations may be made  
2 against a working capital fund to procure or increase the  
3 value of war reserve material inventory, unless the Sec-  
4 retary of Defense has notified the Congress prior to any  
5 such obligation.

6       SEC. 8007. Funds appropriated by this Act may not  
7 be used to initiate a special access program without prior  
8 notification 30 calendar days in session in advance to the  
9 congressional defense committees.

10       SEC. 8008. None of the funds provided in this Act  
11 shall be available to initiate: (1) a multiyear contract that  
12 employs economic order quantity procurement in excess of  
13 \$20,000,000 in any 1 year of the contract or that includes  
14 an unfunded contingent liability in excess of \$20,000,000;  
15 or (2) a contract for advance procurement leading to a  
16 multiyear contract that employs economic order quantity  
17 procurement in excess of \$20,000,000 in any 1 year, un-  
18 less the congressional defense committees have been noti-  
19 fied at least 30 days in advance of the proposed contract  
20 award: *Provided*, That no part of any appropriation con-  
21 tained in this Act shall be available to initiate a multiyear  
22 contract for which the economic order quantity advance  
23 procurement is not funded at least to the limits of the  
24 Government's liability: *Provided further*, That no part of  
25 any appropriation contained in this Act shall be available

1 to initiate multiyear procurement contracts for any sys-  
2 tems or component thereof if the value of the multiyear  
3 contract would exceed \$500,000,000 unless specifically  
4 provided in this Act: *Provided further*, That no multiyear  
5 procurement contract can be terminated without 10-day  
6 prior notification to the congressional defense committees:  
7 *Provided further*, That the execution of multiyear author-  
8 ity shall require the use of a present value analysis to de-  
9 termine lowest cost compared to an annual procurement.

10 Funds appropriated in title III of this Act may be  
11 used for multiyear procurement contracts as follows:

12 F/A-18 aircraft;

13 E-2C aircraft; and

14 Tactical Tomahawk missile.

15 SEC. 8009. Within the funds appropriated for the op-  
16 eration and maintenance of the Armed Forces, funds are  
17 hereby appropriated pursuant to section 401 of title 10,  
18 United States Code, for humanitarian and civic assistance  
19 costs under chapter 20 of title 10, United States Code.  
20 Such funds may also be obligated for humanitarian and  
21 civic assistance costs incidental to authorized operations  
22 and pursuant to authority granted in section 401 of chap-  
23 ter 20 of title 10, United States Code, and these obliga-  
24 tions shall be reported as required by section 401(d) of  
25 title 10, United States Code: *Provided*, That funds avail-

1 able for operation and maintenance shall be available for  
2 providing humanitarian and similar assistance by using  
3 Civic Action Teams in the Trust Territories of the Pacific  
4 Islands and freely associated states of Micronesia, pursu-  
5 ant to the Compact of Free Association as authorized by  
6 Public Law 99–239: *Provided further*, That upon a deter-  
7 mination by the Secretary of the Army that such action  
8 is beneficial for graduate medical education programs con-  
9 ducted at Army medical facilities located in Hawaii, the  
10 Secretary of the Army may authorize the provision of med-  
11 ical services at such facilities and transportation to such  
12 facilities, on a nonreimbursable basis, for civilian patients  
13 from American Samoa, the Commonwealth of the North-  
14 ern Mariana Islands, the Marshall Islands, the Federated  
15 States of Micronesia, Palau, and Guam.

16       SEC. 8010. (a) During fiscal year 2004, the civilian  
17 personnel of the Department of Defense may not be man-  
18 aged on the basis of any end-strength, and the manage-  
19 ment of such personnel during that fiscal year shall not  
20 be subject to any constraint or limitation (known as an  
21 end-strength) on the number of such personnel who may  
22 be employed on the last day of such fiscal year.

23       (b) The fiscal year 2005 budget request for the De-  
24 partment of Defense as well as all justification material  
25 and other documentation supporting the fiscal year 2005

1 Department of Defense budget request shall be prepared  
2 and submitted to the Congress as if subsections (a) and  
3 (b) of this provision were effective with regard to fiscal  
4 year 2005.

5 (c) Nothing in this section shall be construed to apply  
6 to military (civilian) technicians.

7 SEC. 8011. Notwithstanding any other provision of  
8 law, none of the funds made available by this Act shall  
9 be used by the Department of Defense to exceed, outside  
10 the 50 United States, its territories, and the District of  
11 Columbia, 125,000 civilian workyears: *Provided*, That  
12 workyears shall be applied as defined in the Federal Per-  
13 sonnel Manual: *Provided further*, That workyears ex-  
14 pended in dependent student hiring programs for dis-  
15 advantaged youths shall not be included in this workyear  
16 limitation.

17 SEC. 8012. None of the funds made available by this  
18 Act shall be used in any way, directly or indirectly, to in-  
19 fluence congressional action on any legislation or appro-  
20 priation matters pending before the Congress.

21 SEC. 8013. None of the funds appropriated by this  
22 Act shall be available for the basic pay and allowances of  
23 any member of the Army participating as a full-time stu-  
24 dent and receiving benefits paid by the Secretary of Vet-  
25 erans Affairs from the Department of Defense Education

1 Benefits Fund when time spent as a full-time student is  
2 credited toward completion of a service commitment: *Pro-*  
3 *vided*, That this subsection shall not apply to those mem-  
4 bers who have reenlisted with this option prior to October  
5 1, 1987: *Provided further*, That this subsection applies  
6 only to active components of the Army.

7       SEC. 8014. None of the funds appropriated by this  
8 Act shall be available to convert to contractor performance  
9 an activity or function of the Department of Defense that,  
10 on or after the date of the enactment of this Act, is per-  
11 formed by more than 10 Department of Defense civilian  
12 employees unless such conversion is based on the result  
13 of a public-private competition that includes a most effi-  
14 cient and cost effective organization plan developed by  
15 such activity or function and the Competitive Sourcing Of-  
16 ficial certifies that the projected savings of the competition  
17 exceed the minimum conversion differential for such activ-  
18 ity or function: *Provided*, That this section shall not apply  
19 in circumstances in which the Department of Defense pub-  
20 lishes in the Federal Register a determination that compli-  
21 ance would have an adverse impact on national security:  
22 *Provided further*, That this section and subsections (a),  
23 (b), and (c) of 10 U.S.C. 2461 shall not apply to a com-  
24 mercial or industrial type function of the Department of  
25 Defense that: (1) is included on the procurement list es-

1 tablished pursuant to section 2 of the Act of June 25,  
2 1938 (41 U.S.C. 47), popularly referred to as the Javits-  
3 Wagner-O'Day Act; (2) is planned to be converted to per-  
4 formance by a qualified nonprofit agency for the blind or  
5 by a qualified nonprofit agency for other severely handi-  
6 capped individuals in accordance with that Act; or (3) is  
7 planned to be converted to performance by a qualified firm  
8 under 51 percent ownership by an Indian tribe, as defined  
9 in section 450b(e) of title 25, United States Code, or a  
10 Native Hawaiian organization, as defined in section  
11 637(a)(15) of title 15, United States Code.

12 (TRANSFER OF FUNDS)

13 SEC. 8015. Funds appropriated in title III of this Act  
14 for the Department of Defense Pilot Mentor-Protege Pro-  
15 gram may be transferred to any other appropriation con-  
16 tained in this Act solely for the purpose of implementing  
17 a Mentor-Protege Program developmental assistance  
18 agreement pursuant to section 831 of the National De-  
19 fense Authorization Act for Fiscal Year 1991 (Public Law  
20 101-510; 10 U.S.C. 2301 note), as amended, under the  
21 authority of this provision or any other transfer authority  
22 contained in this Act.

23 SEC. 8016. None of the funds in this Act may be  
24 available for the purchase by the Department of Defense  
25 (and its departments and agencies) of welded shipboard  
26 anchor and mooring chain 4 inches in diameter and under

1 unless the anchor and mooring chain are manufactured  
2 in the United States from components which are substan-  
3 tially manufactured in the United States: *Provided*, That  
4 for the purpose of this section manufactured will include  
5 cutting, heat treating, quality control, testing of chain and  
6 welding (including the forging and shot blasting process):  
7 *Provided further*, That for the purpose of this section sub-  
8 stantially all of the components of anchor and mooring  
9 chain shall be considered to be produced or manufactured  
10 in the United States if the aggregate cost of the compo-  
11 nents produced or manufactured in the United States ex-  
12 ceeds the aggregate cost of the components produced or  
13 manufactured outside the United States: *Provided further*,  
14 That when adequate domestic supplies are not available  
15 to meet Department of Defense requirements on a timely  
16 basis, the Secretary of the service responsible for the pro-  
17 curement may waive this restriction on a case-by-case  
18 basis by certifying in writing to the Committees on Appro-  
19 priations that such an acquisition must be made in order  
20 to acquire capability for national security purposes.

21       SEC. 8017. None of the funds appropriated by this  
22 Act available for the Civilian Health and Medical Program  
23 of the Uniformed Services (CHAMPUS) or TRICARE  
24 shall be available for the reimbursement of any health care  
25 provider for inpatient mental health service for care re-

1 ceived when a patient is referred to a provider of inpatient  
2 mental health care or residential treatment care by a med-  
3 ical or health care professional having an economic inter-  
4 est in the facility to which the patient is referred: *Pro-*  
5 *vided*, That this limitation does not apply in the case of  
6 inpatient mental health services provided under the pro-  
7 gram for persons with disabilities under subsection (d) of  
8 section 1079 of title 10, United States Code, provided as  
9 partial hospital care, or provided pursuant to a waiver au-  
10 thorized by the Secretary of Defense because of medical  
11 or psychological circumstances of the patient that are con-  
12 firmed by a health professional who is not a Federal em-  
13 ployee after a review, pursuant to rules prescribed by the  
14 Secretary, which takes into account the appropriate level  
15 of care for the patient, the intensity of services required  
16 by the patient, and the availability of that care.

17 SEC. 8018. (a) During the current fiscal year and  
18 hereafter, the Secretary of Defense may, by executive  
19 agreement, establish with the government of any North  
20 Atlantic Treaty Organization member nation a separate  
21 account into which residual value amounts negotiated with  
22 that nation in the return of United States military instal-  
23 lations in that nation may be deposited, in lieu of direct  
24 monetary transfers to the United States Treasury. Any  
25 such deposit may be made in the currency of the host na-

1 tion. Amounts in such an account shall be treated as cred-  
2 its to that host nation and may be used only as specified  
3 in subsection (b).

4 (b) Amounts deposited by a host nation in an account  
5 as provided for in an agreement under subsection (a) may  
6 be used—

7 (1) subject to subsection (c), for the construc-  
8 tion of facilities to support United States military  
9 forces in that host nation; or

10 (2) for such real property maintenance and  
11 base operating costs at United States military instal-  
12 lations in that host nation that are currently exe-  
13 cuted through monetary transfers to such host na-  
14 tion.

15 (c) A military construction project may be executed  
16 from an account established under this section only if the  
17 project has been previously authorized by law.

18 (d) In the budget justification materials submitted to  
19 Congress in support of the President's budget for the De-  
20 partment of Defense for any fiscal year, the Secretary of  
21 Defense shall identify—

22 (1) amounts anticipated to be received during  
23 that fiscal year in residual value settlements under  
24 this section; and

1           (2) such construction, real property mainte-  
2           nance, and base operating costs that shall be funded  
3           by the host nation during that fiscal year through  
4           such credits under an agreement under this section.

5           (e)(1) The Secretary of Defense shall report any exec-  
6           utive agreement with a NATO member nation under this  
7           section to the congressional committees specified in para-  
8           graph (2) not less than 30 days before the conclusion and  
9           endorsement of the agreement.

10          (2) The committees referred to in paragraph (1) are  
11          the congressional defense committees, the Committee on  
12          International Relations of the House of Representatives,  
13          and the Committee on Foreign Relations of the Senate.

14          SEC. 8019. None of the funds available to the De-  
15          partment of Defense may be used to demilitarize or dis-  
16          pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
17          .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

18          SEC. 8020. No more than \$500,000 of the funds ap-  
19          propriated or made available in this Act shall be used dur-  
20          ing a single fiscal year for any single relocation of an orga-  
21          nization, unit, activity or function of the Department of  
22          Defense into or within the National Capital Region: *Pro-*  
23          *vided*, That the Secretary of Defense may waive this re-  
24          striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-  
2 cation is required in the best interest of the Government.

3       SEC. 8021. In addition to the funds provided else-  
4 where in this Act, \$8,000,000 is appropriated only for in-  
5 centive payments authorized by Section 504 of the Indian  
6 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That  
7 a prime contractor or a subcontractor at any tier that  
8 makes a subcontract award to any subcontractor or sup-  
9 plier as defined in 25 U.S.C. 1544 or a small business  
10 owned and controlled by an individual defined under 25  
11 U.S.C. 4221(9) shall be considered a contractor for the  
12 purposes of being allowed additional compensation under  
13 section 504 of the Indian Financing Act of 1974 (25  
14 U.S.C. 1544) whenever the prime contract or subcontract  
15 amount is over \$500,000 and involves the expenditure of  
16 funds appropriated by an Act making Appropriations for  
17 the Department of Defense with respect to any fiscal year:  
18 *Provided further*, That notwithstanding 41 U.S.C. 430,  
19 this section shall be applicable to any Department of De-  
20 fense acquisition of supplies or services, including any con-  
21 tract and any subcontract at any tier for acquisition of  
22 commercial items produced or manufactured, in whole or  
23 in part by any subcontractor or supplier defined in 25  
24 U.S.C. 1544 or a small business owned and controlled by  
25 an individual defined under 25 U.S.C. 4221(9).

1       SEC. 8022. None of the funds appropriated by this  
2 Act shall be available to perform any cost study pursuant  
3 to the provisions of OMB Circular A-76 if the study being  
4 performed exceeds a period of 24 months after initiation  
5 of such study with respect to a single function activity or  
6 48 months after initiation of such study for a multi-func-  
7 tion activity.

8       SEC. 8023. Funds appropriated by this Act for the  
9 American Forces Information Service shall not be used for  
10 any national or international political or psychological ac-  
11 tivities.

12       SEC. 8024. Notwithstanding any other provision of  
13 law or regulation, the Secretary of Defense may adjust  
14 wage rates for civilian employees hired for certain health  
15 care occupations as authorized for the Secretary of Vet-  
16 erans Affairs by section 7455 of title 38, United States  
17 Code.

18       SEC. 8025. (a) The Secretary of Defense shall afford  
19 qualified nonprofit agencies for the blind or other severely  
20 handicapped the maximum practicable opportunity to par-  
21 ticipate as subcontractors and suppliers in the perform-  
22 ance of contracts for the procurement of supplies or serv-  
23 ices that are let by the Department of Defense using funds  
24 appropriated for military functions of the Department of

1 Defense (other than for military construction or military  
2 family housing).

3 (b) A business concern that has negotiated with the  
4 Secretary of a military department or the director of a  
5 Defense Agency a subcontracting plan for the participa-  
6 tion by small business concerns pursuant to section 8(d)  
7 of the Small Business Act (15 U.S.C. 637(d)) shall be  
8 given credit toward meeting that subcontracting goal for  
9 any purchase made from a qualified nonprofit agency for  
10 the blind or other severely handicapped.

11 (c) For the purpose of this section, the term “quali-  
12 fied nonprofit agency for the blind or other severely handi-  
13 capped” means a nonprofit agency for the blind, or a non-  
14 profit agency for other severely handicapped, that has  
15 been approved by the Committee for the Purchase from  
16 the Blind and Other Severely Handicapped under the Jav-  
17 its-Wagner-O’Day Act (41 U.S.C. 46–48).

18 (d) This section shall apply during the current fiscal  
19 year and hereafter.

20 SEC. 8026. During the current fiscal year, net re-  
21 ceipts pursuant to collections from third party payers pur-  
22 suant to section 1095 of title 10, United States Code, shall  
23 be made available to the local facility of the uniformed  
24 services responsible for the collections and shall be over  
25 and above the facility’s direct budget amount.

1       SEC. 8027. During the current fiscal year, the De-  
2       partment of Defense is authorized to incur obligations of  
3       not to exceed \$350,000,000 for purposes specified in sec-  
4       tion 2350j(c) of title 10, United States Code, in anticipa-  
5       tion of receipt of contributions, only from the Government  
6       of Kuwait, under that section: *Provided*, That upon re-  
7       ceipt, such contributions from the Government of Kuwait  
8       shall be credited to the appropriations or fund which in-  
9       curred such obligations.

10                               (INCLUDING TRANSFER OF FUNDS)

11       SEC. 8028. (a) Of the funds made available in this  
12       Act, not less than \$32,758,000 shall be available for the  
13       Civil Air Patrol Corporation, of which—

14               (1) \$21,432,000 shall be available from “Oper-  
15       ation and Maintenance, Air Force” to support Civil  
16       Air Patrol Corporation operation and maintenance,  
17       readiness, counterdrug activities, and drug demand  
18       reduction activities involving youth programs;

19               (2) \$10,540,000 shall be available from “Air-  
20       craft Procurement, Air Force”; and

21               (3) \$786,000 shall be available from “Other  
22       Procurement, Air Force” for vehicle procurement.

23       (b) Notwithstanding section 9445 of title 10, United  
24       States Code, or any other provision of law, of the funds  
25       made available to the Civil Air Patrol Corporation in this  
26       Act under the heading “Aircraft Procurement, Air Force”,

1 not more than \$770,000 may be transferred by the Sec-  
2 retary of the Air Force to the “Operation and Mainte-  
3 nance, Air Force” appropriation to be merged with and  
4 to be available for administrative expenses incurred by the  
5 Air Force in the administration of Civil Air Patrol Cor-  
6 poration. Funds so transferred shall be available for the  
7 same period as the appropriation to which transferred.

8 (c) The Secretary of the Air Force should waive reim-  
9 bursement for any funds used by the Civil Air Patrol for  
10 counter-drug activities in support of Federal State, and  
11 local government agencies.

12 SEC. 8029. (a) None of the funds appropriated in this  
13 Act are available to establish a new Department of De-  
14 fense (department) federally funded research and develop-  
15 ment center (FFRDC), either as a new entity, or as a  
16 separate entity administrated by an organization man-  
17 aging another FFRDC, or as a nonprofit membership cor-  
18 poration consisting of a consortium of other FFRDCs and  
19 other non-profit entities.

20 (b) No member of a Board of Directors, Trustees,  
21 Overseers, Advisory Group, Special Issues Panel, Visiting  
22 Committee, or any similar entity of a defense FFRDC,  
23 and no paid consultant to any defense FFRDC, except  
24 when acting in a technical advisory capacity, may be com-  
25 pensated for his or her services as a member of such enti-

1 ty, or as a paid consultant by more than one FFRDC in  
2 a fiscal year: *Provided*, That a member of any such entity  
3 referred to previously in this subsection shall be allowed  
4 travel expenses and per diem as authorized under the Fed-  
5 eral Joint Travel Regulations, when engaged in the per-  
6 formance of membership duties.

7 (c) Notwithstanding any other provision of law, none  
8 of the funds available to the department from any source  
9 during fiscal year 2004 may be used by a defense FFRDC,  
10 through a fee or other payment mechanism, for construc-  
11 tion of new buildings, for payment of cost sharing for  
12 projects funded by Government grants, for absorption of  
13 contract overruns, or for certain charitable contributions,  
14 not to include employee participation in community service  
15 and/or development.

16 (d) Notwithstanding any other provision of law, of  
17 the funds available to the department during fiscal year  
18 2004, not more than 6,321 staff years of technical effort  
19 (staff years) may be funded for defense FFRDCs: *Pro-*  
20 *vided*, That of the specific amount referred to previously  
21 in this subsection, not more than 1,050 staff years may  
22 be funded for the defense studies and analysis FFRDCs.

23 (e) The Secretary of Defense shall, with the submis-  
24 sion of the department's fiscal year 2005 budget request,  
25 submit a report presenting the specific amounts of staff

1 years of technical effort to be allocated for each defense  
2 FFRDC during that fiscal year.

3 (f) Notwithstanding any other provision of this Act,  
4 the total amount appropriated in this Act for FFRDCs  
5 is hereby reduced by \$74,200,000.

6 SEC. 8030. None of the funds appropriated or made  
7 available in this Act shall be used to procure carbon, alloy  
8 or armor steel plate for use in any Government-owned fa-  
9 cility or property under the control of the Department of  
10 Defense which were not melted and rolled in the United  
11 States or Canada: *Provided*, That these procurement re-  
12 strictions shall apply to any and all Federal Supply Class  
13 9515, American Society of Testing and Materials (ASTM)  
14 or American Iron and Steel Institute (AISI) specifications  
15 of carbon, alloy or armor steel plate: *Provided further*,  
16 That the Secretary of the military department responsible  
17 for the procurement may waive this restriction on a case-  
18 by-case basis by certifying in writing to the Committees  
19 on Appropriations of the House of Representatives and the  
20 Senate that adequate domestic supplies are not available  
21 to meet Department of Defense requirements on a timely  
22 basis and that such an acquisition must be made in order  
23 to acquire capability for national security purposes: *Pro-*  
24 *vided further*, That these restrictions shall not apply to

1 contracts which are in being as of the date of the enact-  
2 ment of this Act.

3       SEC. 8031. For the purposes of this Act, the term  
4 “congressional defense committees” means the Armed  
5 Services Committee of the House of Representatives, the  
6 Armed Services Committee of the Senate, the Sub-  
7 committee on Defense of the Committee on Appropriations  
8 of the Senate, and the Subcommittee on Defense of the  
9 Committee on Appropriations of the House of Representa-  
10 tives.

11       SEC. 8032. (a) During the current fiscal year and  
12 hereafter, the Department of Defense may acquire the  
13 modification, depot maintenance, and repair of aircraft,  
14 vehicles, and vessels, as well as the production of compo-  
15 nents and other Defense-related articles, through competi-  
16 tion between Department of Defense depot maintenance  
17 activities and private firms.

18       (b) In the case of a competition conducted under this  
19 section, the Senior Acquisition Executive of the military  
20 department or Defense Agency concerned shall certify that  
21 the successful bid includes comparable estimates of all di-  
22 rect and indirect costs for bids submitted both by Depart-  
23 ment of Defense depot maintenance activities and by pri-  
24 vate firms. The authority of the Senior Acquisition Execu-  
25 tive under this section may be delegated.

1 (c) Office of Management and Budget Circular A-  
2 76 shall not apply to a competition conducted under this  
3 section.

4 SEC. 8033. (a)(1) If the Secretary of Defense, after  
5 consultation with the United States Trade Representative,  
6 determines that a foreign country which is party to an  
7 agreement described in paragraph (2) has violated the  
8 terms of the agreement by discriminating against certain  
9 types of products produced in the United States that are  
10 covered by the agreement, the Secretary of Defense shall  
11 rescind the Secretary's blanket waiver of the Buy Amer-  
12 ican Act with respect to such types of products produced  
13 in that foreign country.

14 (2) An agreement referred to in paragraph (1) is any  
15 reciprocal defense procurement memorandum of under-  
16 standing, between the United States and a foreign country  
17 pursuant to which the Secretary of Defense has prospec-  
18 tively waived the Buy American Act for certain products  
19 in that country.

20 (b) The Secretary of Defense shall submit to the Con-  
21 gress a report on the amount of Department of Defense  
22 purchases from foreign entities in fiscal year 2004. Such  
23 report shall separately indicate the dollar value of items  
24 for which the Buy American Act was waived pursuant to  
25 any agreement described in subsection (a)(2), the Trade

1 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
2 international agreement to which the United States is a  
3 party.

4 (c) For purposes of this section, the term “Buy  
5 American Act” means title III of the Act entitled “An Act  
6 making appropriations for the Treasury and Post Office  
7 Departments for the fiscal year ending June 30, 1934,  
8 and for other purposes”, approved March 3, 1933 (41  
9 U.S.C. 10a et seq.).

10 SEC. 8034. Appropriations contained in this Act that  
11 remain available at the end of the current fiscal year as  
12 a result of energy cost savings realized by the Department  
13 of Defense shall remain available for obligation for the  
14 next fiscal year to the extent, and for the purposes, pro-  
15 vided in section 2865 of title 10, United States Code.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8035. Amounts deposited during the current fis-  
18 cal year to the special account established under 40 U.S.C.  
19 572(b)(5)(A) and to the special account established under  
20 10 U.S.C. 2667(d)(1) are appropriated and shall be avail-  
21 able until transferred by the Secretary of Defense to cur-  
22 rent applicable appropriations or funds of the Department  
23 of Defense under the terms and conditions specified by  
24 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to  
25 be merged with and to be available for the same time pe-

1 riod and the same purposes as the appropriation to which  
2 transferred.

3 SEC. 8036. The President shall include with each  
4 budget for a fiscal year submitted to the Congress under  
5 section 1105 of title 31, United States Code, materials  
6 that shall identify clearly and separately the amounts re-  
7 quested in the budget for appropriation for that fiscal year  
8 for salaries and expenses related to administrative activi-  
9 ties of the Department of Defense, the military depart-  
10 ments, and the defense agencies.

11 SEC. 8037. Notwithstanding any other provision of  
12 law, funds available for “Drug Interdiction and Counter-  
13 Drug Activities, Defense” may be obligated for the Young  
14 Marines program.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8038. During the current fiscal year, amounts  
17 contained in the Department of Defense Overseas Military  
18 Facility Investment Recovery Account established by sec-  
19 tion 2921(c)(1) of the National Defense Authorization Act  
20 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
21 be available until expended for the payments specified by  
22 section 2921(c)(2) of that Act.

23 SEC. 8039. (a) IN GENERAL.—Notwithstanding any  
24 other provision of law, the Secretary of the Air Force may  
25 convey at no cost to the Air Force, without consideration,  
26 to Indian tribes located in the States of North Dakota,

1 South Dakota, Montana, and Minnesota relocatable mili-  
2 tary housing units located at Grand Forks Air Force Base  
3 and Minot Air Force Base that are excess to the needs  
4 of the Air Force.

5 (b) PROCESSING OF REQUESTS.—The Secretary of  
6 the Air Force shall convey, at no cost to the Air Force,  
7 military housing units under subsection (a) in accordance  
8 with the request for such units that are submitted to the  
9 Secretary by the Operation Walking Shield Program on  
10 behalf of Indian tribes located in the States of North Da-  
11 kota, South Dakota, Montana, and Minnesota.

12 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—  
13 The Operation Walking Shield program shall resolve any  
14 conflicts among requests of Indian tribes for housing units  
15 under subsection (a) before submitting requests to the  
16 Secretary of the Air Force under subsection (b).

17 (d) INDIAN TRIBE DEFINED.—In this section, the  
18 term “Indian tribe” means any recognized Indian tribe in-  
19 cluded on the current list published by the Secretary of  
20 the Interior under section 104 of the Federally Recognized  
21 Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat.  
22 4792; 25 U.S.C. 479a–1).

23 SEC. 8040. During the current fiscal year, appropria-  
24 tions which are available to the Department of Defense  
25 for operation and maintenance may be used to purchase

1 items having an investment item unit cost of not more  
2 than \$250,000.

3       SEC. 8041. (a) During the current fiscal year, none  
4 of the appropriations or funds available to the Department  
5 of Defense Working Capital Funds shall be used for the  
6 purchase of an investment item for the purpose of acquir-  
7 ing a new inventory item for sale or anticipated sale dur-  
8 ing the current fiscal year or a subsequent fiscal year to  
9 customers of the Department of Defense Working Capital  
10 Funds if such an item would not have been chargeable  
11 to the Department of Defense Business Operations Fund  
12 during fiscal year 1994 and if the purchase of such an  
13 investment item would be chargeable during the current  
14 fiscal year to appropriations made to the Department of  
15 Defense for procurement.

16       (b) The fiscal year 2005 budget request for the De-  
17 partment of Defense as well as all justification material  
18 and other documentation supporting the fiscal year 2005  
19 Department of Defense budget shall be prepared and sub-  
20 mitted to the Congress on the basis that any equipment  
21 which was classified as an end item and funded in a pro-  
22 curement appropriation contained in this Act shall be  
23 budgeted for in a proposed fiscal year 2005 procurement  
24 appropriation and not in the supply management business

1 area or any other area or category of the Department of  
2 Defense Working Capital Funds.

3       SEC. 8042. None of the funds appropriated by this  
4 Act for programs of the Central Intelligence Agency shall  
5 remain available for obligation beyond the current fiscal  
6 year, except for funds appropriated for the Reserve for  
7 Contingencies, which shall remain available until Sep-  
8 tember 30, 2005: *Provided*, That funds appropriated,  
9 transferred, or otherwise credited to the Central Intel-  
10 ligence Agency Central Services Working Capital Fund  
11 during this or any prior or subsequent fiscal year shall  
12 remain available until expended: *Provided further*, That  
13 any funds appropriated or transferred to the Central Intel-  
14 ligence Agency for agent operations and for covert action  
15 programs authorized by the President under section 503  
16 of the National Security Act of 1947, as amended, shall  
17 remain available until September 30, 2005.

18       SEC. 8043. Notwithstanding any other provision of  
19 law, funds made available in this Act for the Defense In-  
20 telligence Agency may be used for the design, develop-  
21 ment, and deployment of General Defense Intelligence  
22 Program intelligence communications and intelligence in-  
23 formation systems for the Services, the Unified and Speci-  
24 fied Commands, and the component commands.

1           SEC. 8044. Of the funds appropriated to the Depart-  
2 ment of Defense under the heading “Operation and Main-  
3 tenance, Defense-Wide”, not less than \$10,000,000 shall  
4 be made available only for the mitigation of environmental  
5 impacts, including training and technical assistance to  
6 tribes, related administrative support, the gathering of in-  
7 formation, documenting of environmental damage, and de-  
8 veloping a system for prioritization of mitigation and cost  
9 to complete estimates for mitigation, on Indian lands re-  
10 sulting from Department of Defense activities.

11           SEC. 8045. (a) None of the funds appropriated in this  
12 Act may be expended by an entity of the Department of  
13 Defense unless the entity, in expending the funds, com-  
14 plies with the Buy American Act. For purposes of this  
15 subsection, the term “Buy American Act” means title III  
16 of the Act entitled “An Act making appropriations for the  
17 Treasury and Post Office Departments for the fiscal year  
18 ending June 30, 1934, and for other purposes”, approved  
19 March 3, 1933 (41 U.S.C. 10a et seq.).

20           (b) If the Secretary of Defense determines that a per-  
21 son has been convicted of intentionally affixing a label  
22 bearing a “Made in America” inscription to any product  
23 sold in or shipped to the United States that is not made  
24 in America, the Secretary shall determine, in accordance  
25 with section 2410f of title 10, United States Code, wheth-

1 er the person should be debarred from contracting with  
2 the Department of Defense.

3 (c) In the case of any equipment or products pur-  
4 chased with appropriations provided under this Act, it is  
5 the sense of the Congress that any entity of the Depart-  
6 ment of Defense, in expending the appropriation, purchase  
7 only American-made equipment and products, provided  
8 that American-made equipment and products are cost-  
9 competitive, quality-competitive, and available in a timely  
10 fashion.

11 SEC. 8046. None of the funds appropriated by this  
12 Act shall be available for a contract for studies, analysis,  
13 or consulting services entered into without competition on  
14 the basis of an unsolicited proposal unless the head of the  
15 activity responsible for the procurement determines—

16 (1) as a result of thorough technical evaluation,  
17 only one source is found fully qualified to perform  
18 the proposed work;

19 (2) the purpose of the contract is to explore an  
20 unsolicited proposal which offers significant sci-  
21 entific or technological promise, represents the prod-  
22 uct of original thinking, and was submitted in con-  
23 fidence by one source; or

24 (3) the purpose of the contract is to take ad-  
25 vantage of unique and significant industrial accom-

1       plishment by a specific concern, or to insure that a  
2       new product or idea of a specific concern is given fi-  
3       nancial support:

4       *Provided*, That this limitation shall not apply to contracts  
5       in an amount of less than \$25,000, contracts related to  
6       improvements of equipment that is in development or pro-  
7       duction, or contracts as to which a civilian official of the  
8       Department of Defense, who has been confirmed by the  
9       Senate, determines that the award of such contract is in  
10      the interest of the national defense.

11      SEC. 8047. (a) Except as provided in subsection (b)  
12      and (c), none of the funds made available by this Act may  
13      be used—

14              (1) to establish a field operating agency; or

15              (2) to pay the basic pay of a member of the  
16      Armed Forces or civilian employee of the depart-  
17      ment who is transferred or reassigned from a head-  
18      quarters activity if the member or employee's place  
19      of duty remains at the location of that headquarters.

20      (b) The Secretary of Defense or Secretary of a mili-  
21      tary department may waive the limitations in subsection  
22      (a), on a case-by-case basis, if the Secretary determines,  
23      and certifies to the Committees on Appropriations of the  
24      House of Representatives and Senate that the granting

1 of the waiver will reduce the personnel requirements or  
2 the financial requirements of the department.

3 (c) This section does not apply to field operating  
4 agencies funded within the National Foreign Intelligence  
5 Program.

6 SEC. 8048. Notwithstanding section 303 of Public  
7 Law 96–487 or any other provision of law, the Secretary  
8 of the Navy is authorized to lease real and personal prop-  
9 erty at Naval Air Facility, Adak, Alaska, pursuant to 10  
10 U.S.C. 2667(f), for commercial, industrial or other pur-  
11 poses: *Provided*, That notwithstanding any other provision  
12 of law, the Secretary of the Navy may remove hazardous  
13 materials from facilities, buildings, and structures at  
14 Adak, Alaska, and may demolish or otherwise dispose of  
15 such facilities, buildings, and structures.

16 (RESCISSIONS)

17 SEC. 8049. Of the funds appropriated in Department  
18 of Defense Appropriations Acts, the following funds are  
19 hereby rescinded from the following accounts and pro-  
20 grams in the specified amounts:

21 “Aircraft Procurement, Army, 2003/2005”,  
22 \$47,100,000;

23 “Other Procurement, Army, 2003/2005”,  
24 \$8,000,000;

25 “Shipbuilding and Conversion, Navy, 2002/  
26 2006”, \$25,600,000;

1           “Missile Procurement, Air Force, 2003/2005”,  
2           \$27,000,000;

3           “Other Procurement, Air Force, 2003/2005”,  
4           \$30,000,000; and

5           “Research, Development, Test and Evaluation,  
6           Army, 2003/2004”, \$1,650,000.

7           SEC. 8050. None of the funds available in this Act  
8 may be used to reduce the authorized positions for mili-  
9 tary (civilian) technicians of the Army National Guard,  
10 the Air National Guard, Army Reserve and Air Force Re-  
11 serve for the purpose of applying any administratively im-  
12 posed civilian personnel ceiling, freeze, or reduction on  
13 military (civilian) technicians, unless such reductions are  
14 a direct result of a reduction in military force structure.

15          SEC. 8051. None of the funds appropriated or other-  
16 wise made available in this Act may be obligated or ex-  
17 pended for assistance to the Democratic People’s Republic  
18 of North Korea unless specifically appropriated for that  
19 purpose.

20          SEC. 8052. During the current fiscal year, funds ap-  
21 propriated in this Act are available to compensate mem-  
22 bers of the National Guard for duty performed pursuant  
23 to a plan submitted by a Governor of a State and approved  
24 by the Secretary of Defense under section 112 of title 32,  
25 United States Code: *Provided*, That during the perform-

1   ance of such duty, the members of the National Guard  
2   shall be under State command and control: *Provided fur-*  
3   *ther*, That such duty shall be treated as full-time National  
4   Guard duty for purposes of sections 12602(a)(2) and  
5   (b)(2) of title 10, United States Code.

6       SEC. 8053. Funds appropriated in this Act for oper-  
7   ation and maintenance of the Military Departments, Com-  
8   batant Commands and Defense Agencies shall be available  
9   for reimbursement of pay, allowances and other expenses  
10  which would otherwise be incurred against appropriations  
11  for the National Guard and Reserve when members of the  
12  National Guard and Reserve provide intelligence or coun-  
13  terintelligence support to Combatant Commands, Defense  
14  Agencies and Joint Intelligence Activities, including the  
15  activities and programs included within the National For-  
16  eign Intelligence Program (NFIP), the Joint Military In-  
17  telligence Program (JMIP), and the Tactical Intelligence  
18  and Related Activities (TIARA) aggregate: *Provided*, That  
19  nothing in this section authorizes deviation from estab-  
20  lished Reserve and National Guard personnel and training  
21  procedures.

22       SEC. 8054. During the current fiscal year, none of  
23  the funds appropriated in this Act may be used to reduce  
24  the civilian medical and medical support personnel as-  
25  signed to military treatment facilities below the September

1 30, 2002 level: *Provided*, That the Service Surgeons Gen-  
2 eral may waive this section by certifying to the congres-  
3 sional defense committees that the beneficiary population  
4 is declining in some catchment areas and civilian strength  
5 reductions may be consistent with responsible resource  
6 stewardship and capitation-based budgeting.

7       SEC. 8055. (a) LIMITATION ON PENTAGON RENOVA-  
8 TION COSTS.—Not later than the date each year on which  
9 the President submits to Congress the budget under sec-  
10 tion 1105 of title 31, United States Code, the Secretary  
11 of Defense shall submit to Congress a certification that  
12 the total cost for the planning, design, construction, and  
13 installation of equipment for the renovation of wedges 2  
14 through 5 of the Pentagon Reservation, cumulatively, will  
15 not exceed four times the total cost for the planning, de-  
16 sign, construction, and installation of equipment for the  
17 renovation of wedge 1.

18       (b) ANNUAL ADJUSTMENT.—For purposes of apply-  
19 ing the limitation in subsection (a), the Secretary shall  
20 adjust the cost for the renovation of wedge 1 by any in-  
21 crease or decrease in costs attributable to economic infla-  
22 tion, based on the most recent economic assumptions  
23 issued by the Office of Management and Budget for use  
24 in preparation of the budget of the United States under  
25 section 1104 of title 31, United States Code.

1 (c) EXCLUSION OF CERTAIN COSTS.—For purposes  
2 of calculating the limitation in subsection (a), the total  
3 cost for wedges 2 through 5 shall not include—

4 (1) any repair or reconstruction cost incurred  
5 as a result of the terrorist attack on the Pentagon  
6 that occurred on September 11, 2001;

7 (2) any increase in costs for wedges 2 through  
8 5 attributable to compliance with new requirements  
9 of Federal, State, or local laws; and

10 (3) any increase in costs attributable to addi-  
11 tional security requirements that the Secretary of  
12 Defense considers essential to provide a safe and se-  
13 cure working environment.

14 (d) CERTIFICATION COST REPORTS.—As part of the  
15 annual certification under subsection (a), the Secretary  
16 shall report the projected cost (as of the time of the certifi-  
17 cation) for—

18 (1) the renovation of each wedge, including the  
19 amount adjusted or otherwise excluded for such  
20 wedge under the authority of paragraphs (2) and (3)  
21 of subsection (c) for the period covered by the cer-  
22 tification; and

23 (2) the repair and reconstruction of wedges 1  
24 and 2 in response to the terrorist attack on the Pen-  
25 tagon that occurred on September 11, 2001.

1 (e) DURATION OF CERTIFICATION REQUIREMENT.—

2 The requirement to make an annual certification under  
3 subsection (a) shall apply until the Secretary certifies to  
4 Congress that the renovation of the Pentagon Reservation  
5 is completed.

6 SEC. 8056. Notwithstanding any other provision of  
7 law, that not more than 35 percent of funds provided in  
8 this Act for environmental remediation may be obligated  
9 under indefinite delivery/indefinite quantity contracts with  
10 a total contract value of \$130,000,000 or higher.

11 SEC. 8057. (a) None of the funds available to the  
12 Department of Defense for any fiscal year for drug inter-  
13 diction or counter-drug activities may be transferred to  
14 any other department or agency of the United States ex-  
15 cept as specifically provided in an appropriations law.

16 (b) None of the funds available to the Central Intel-  
17 ligence Agency for any fiscal year for drug interdiction  
18 and counter-drug activities may be transferred to any  
19 other department or agency of the United States except  
20 as specifically provided in an appropriations law.

21 (TRANSFER OF FUNDS)

22 SEC. 8058. Appropriations available in this Act under  
23 the heading “Operation and Maintenance, Defense-Wide”  
24 for increasing energy and water efficiency in Federal  
25 buildings may, during their period of availability, be trans-  
26 ferred to other appropriations or funds of the Department

1 of Defense for projects related to increasing energy and  
2 water efficiency, to be merged with and to be available  
3 for the same general purposes, and for the same time pe-  
4 riod, as the appropriation or fund to which transferred.

5       SEC. 8059. None of the funds appropriated by this  
6 Act may be used for the procurement of ball and roller  
7 bearings other than those produced by a domestic source  
8 and of domestic origin: *Provided*, That the Secretary of  
9 the military department responsible for such procurement  
10 may waive this restriction on a case-by-case basis by certi-  
11 fying in writing to the Committees on Appropriations of  
12 the House of Representatives and the Senate, that ade-  
13 quate domestic supplies are not available to meet Depart-  
14 ment of Defense requirements on a timely basis and that  
15 such an acquisition must be made in order to acquire ca-  
16 pability for national security purposes: *Provided further*,  
17 That this restriction shall not apply to the purchase of  
18 “commercial items”, as defined by section 4(12) of the  
19 Office of Federal Procurement Policy Act, except that the  
20 restriction shall apply to ball or roller bearings purchased  
21 as end item.

22       SEC. 8060. Notwithstanding any other provision of  
23 law, funds available to the Department of Defense shall  
24 be made available to provide transportation of medical  
25 supplies and equipment, on a nonreimbursable basis, to

1 American Samoa, and funds available to the Department  
2 of Defense shall be made available to provide transpor-  
3 tation of medical supplies and equipment, on a non-  
4 reimbursable basis, to the Indian Health Service when it  
5 is in conjunction with a civil-military project.

6       SEC. 8061. None of the funds in this Act may be  
7 used to purchase any supercomputer which is not manu-  
8 factured in the United States, unless the Secretary of De-  
9 fense certifies to the congressional defense committees  
10 that such an acquisition must be made in order to acquire  
11 capability for national security purposes that is not avail-  
12 able from United States manufacturers.

13       SEC. 8062. Notwithstanding any other provision of  
14 law, the Naval shipyards of the United States shall be eli-  
15 gible to participate in any manufacturing extension pro-  
16 gram financed by funds appropriated in this or any other  
17 Act.

18       SEC. 8063. Notwithstanding any other provision of  
19 law, each contract awarded by the Department of Defense  
20 during the current fiscal year for construction or service  
21 performed in whole or in part in a State (as defined in  
22 section 381(d) of title 10, United States Code) which is  
23 not contiguous with another State and has an unemploy-  
24 ment rate in excess of the national average rate of unem-  
25 ployment as determined by the Secretary of Labor, shall

1 include a provision requiring the contractor to employ, for  
2 the purpose of performing that portion of the contract in  
3 such State that is not contiguous with another State, indi-  
4 viduals who are residents of such State and who, in the  
5 case of any craft or trade, possess or would be able to  
6 acquire promptly the necessary skills: *Provided*, That the  
7 Secretary of Defense may waive the requirements of this  
8 section, on a case-by-case basis, in the interest of national  
9 security.

10       SEC. 8064. None of the funds made available in this  
11 or any other Act may be used to pay the salary of any  
12 officer or employee of the Department of Defense who ap-  
13 proves or implements the transfer of administrative re-  
14 sponsibilities or budgetary resources of any program,  
15 project, or activity financed by this Act to the jurisdiction  
16 of another Federal agency not financed by this Act with-  
17 out the express authorization of Congress: *Provided*, That  
18 this limitation shall not apply to transfers of funds ex-  
19 pressly provided for in Defense Appropriations Acts, or  
20 provisions of Acts providing supplemental appropriations  
21 for the Department of Defense.

22       SEC. 8065. (a) LIMITATION ON TRANSFER OF DE-  
23 FENSE ARTICLES AND SERVICES.—Notwithstanding any  
24 other provision of law, none of the funds available to the  
25 Department of Defense for the current fiscal year may be

1 obligated or expended to transfer to another nation or an  
2 international organization any defense articles or services  
3 (other than intelligence services) for use in the activities  
4 described in subsection (b) unless the congressional de-  
5 fense committees, the Committee on International Rela-  
6 tions of the House of Representatives, and the Committee  
7 on Foreign Relations of the Senate are notified 15 days  
8 in advance of such transfer.

9 (b) COVERED ACTIVITIES.—This section applies to—

10 (1) any international peacekeeping or peace-en-  
11 forcement operation under the authority of chapter  
12 VI or chapter VII of the United Nations Charter  
13 under the authority of a United Nations Security  
14 Council resolution; and

15 (2) any other international peacekeeping, peace-  
16 enforcement, or humanitarian assistance operation.

17 (c) REQUIRED NOTICE.—A notice under subsection  
18 (a) shall include the following:

19 (1) A description of the equipment, supplies, or  
20 services to be transferred.

21 (2) A statement of the value of the equipment,  
22 supplies, or services to be transferred.

23 (3) In the case of a proposed transfer of equip-  
24 ment or supplies—

1           (A) a statement of whether the inventory  
2 requirements of all elements of the Armed  
3 Forces (including the reserve components) for  
4 the type of equipment or supplies to be trans-  
5 ferred have been met; and

6           (B) a statement of whether the items pro-  
7 posed to be transferred will have to be replaced  
8 and, if so, how the President proposes to pro-  
9 vide funds for such replacement.

10       SEC. 8066. To the extent authorized by subchapter  
11 VI of chapter 148 of title 10, United States Code, the  
12 Secretary of Defense may issue loan guarantees in support  
13 of United States defense exports not otherwise provided  
14 for: *Provided*, That the total contingent liability of the  
15 United States for guarantees issued under the authority  
16 of this section may not exceed \$15,000,000,000: *Provided*  
17 *further*, That the exposure fees charged and collected by  
18 the Secretary for each guarantee shall be paid by the  
19 country involved and shall not be financed as part of a  
20 loan guaranteed by the United States: *Provided further*,  
21 That the Secretary shall provide quarterly reports to the  
22 Committees on Appropriations, Armed Services, and For-  
23 eign Relations of the Senate and the Committees on Ap-  
24 propriations, Armed Services, and International Relations  
25 in the House of Representatives on the implementation of

1 this program: *Provided further*, That amounts charged for  
2 administrative fees and deposited to the special account  
3 provided for under section 2540c(d) of title 10, shall be  
4 available for paying the costs of administrative expenses  
5 of the Department of Defense that are attributable to the  
6 loan guarantee program under subchapter VI of chapter  
7 148 of title 10, United States Code.

8       SEC. 8067. None of the funds available to the De-  
9 partment of Defense under this Act shall be obligated or  
10 expended to pay a contractor under a contract with the  
11 Department of Defense for costs of any amount paid by  
12 the contractor to an employee when—

13           (1) such costs are for a bonus or otherwise in  
14       excess of the normal salary paid by the contractor  
15       to the employee; and

16           (2) such bonus is part of restructuring costs as-  
17       sociated with a business combination.

18       SEC. 8068. (a) None of the funds appropriated or  
19 otherwise made available in this Act may be used to trans-  
20 port or provide for the transportation of chemical muni-  
21 tions or agents to the Johnston Atoll for the purpose of  
22 storing or demilitarizing such munitions or agents.

23       (b) The prohibition in subsection (a) shall not apply  
24 to any obsolete World War II chemical munition or agent

1 of the United States found in the World War II Pacific  
2 Theater of Operations.

3 (c) The President may suspend the application of  
4 subsection (a) during a period of war in which the United  
5 States is a party.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8069. During the current fiscal year, no more  
8 than \$30,000,000 of appropriations made in this Act  
9 under the heading “Operation and Maintenance, Defense-  
10 Wide” may be transferred to appropriations available for  
11 the pay of military personnel, to be merged with, and to  
12 be available for the same time period as the appropriations  
13 to which transferred, to be used in support of such per-  
14 sonnel in connection with support and services for eligible  
15 organizations and activities outside the Department of De-  
16 fense pursuant to section 2012 of title 10, United States  
17 Code.

18 SEC. 8070. During the current fiscal year, in the case  
19 of an appropriation account of the Department of Defense  
20 for which the period of availability for obligation has ex-  
21 pired or which has closed under the provisions of section  
22 1552 of title 31, United States Code, and which has a  
23 negative unliquidated or unexpended balance, an obliga-  
24 tion or an adjustment of an obligation may be charged  
25 to any current appropriation account for the same purpose  
26 as the expired or closed account if—

1           (1) the obligation would have been properly  
2 chargeable (except as to amount) to the expired or  
3 closed account before the end of the period of avail-  
4 ability or closing of that account;

5           (2) the obligation is not otherwise properly  
6 chargeable to any current appropriation account of  
7 the Department of Defense; and

8           (3) in the case of an expired account, the obli-  
9 gation is not chargeable to a current appropriation  
10 of the Department of Defense under the provisions  
11 of section 1405(b)(8) of the National Defense Au-  
12 thorization Act for Fiscal Year 1991, Public Law  
13 101–510, as amended (31 U.S.C. 1551 note): *Pro-*  
14 *vided*, That in the case of an expired account, if sub-  
15 sequent review or investigation discloses that there  
16 was not in fact a negative unliquidated or unex-  
17 pended balance in the account, any charge to a cur-  
18 rent account under the authority of this section shall  
19 be reversed and recorded against the expired ac-  
20 count: *Provided further*, That the total amount  
21 charged to a current appropriation under this sec-  
22 tion may not exceed an amount equal to 1 percent  
23 of the total appropriation for that account.

24       SEC. 8071. Funds appropriated for the Department  
25 of Defense in this Act or any other Act for the current

1 fiscal year and hereafter for Operation and Maintenance  
2 or for the Defense Health Program for supervision and  
3 administration costs for facilities maintenance and repair,  
4 minor construction, or design projects may be obligated  
5 when the reimbursable order is accepted by the performing  
6 activity. For the purpose of this section, supervision and  
7 administration costs include all in-house Government  
8 costs.

9       SEC. 8072. (a) During the current fiscal year and  
10 hereafter, the Chief of the National Guard Bureau may  
11 permit the use of equipment of the National Guard Dis-  
12 tance Learning Project by any person or entity on a space-  
13 available, reimbursable basis. The Chief of the National  
14 Guard Bureau shall establish the amount of reimburse-  
15 ment for such use on a case-by-case basis.

16       (b) During the current fiscal year and hereafter,  
17 amounts collected under the subsection (a) shall be cred-  
18 ited to funds then available for the National Guard Dis-  
19 tance Learning Project and shall be available to defray  
20 the costs associated with the use of equipment of the Dis-  
21 tance Learning Project under that subsection. Such funds  
22 shall be available for such purpose without fiscal year limi-  
23 tation.

24       SEC. 8073. Using funds available by this Act or any  
25 other Act, the Secretary of the Air Force, pursuant to a

1 determination under section 2690 of title 10, United  
2 States Code, may implement cost-effective agreements for  
3 required heating facility modernization in the  
4 Kaiserslautern Military Community in the Federal Repub-  
5 lic of Germany: *Provided*, That in the City of  
6 Kaiserslautern such agreements will include the use of  
7 United States anthracite as the base load energy for mu-  
8 nicipal district heat to the United States Defense installa-  
9 tions: *Provided further*, That at Landstuhl Army Regional  
10 Medical Center and Ramstein Air Base, furnished heat  
11 may be obtained from private, regional or municipal serv-  
12 ices, if provisions are included for the consideration of  
13 United States coal as an energy source.

14       SEC. 8074. None of the funds appropriated in title  
15 IV of this Act may be used to procure end-items for deliv-  
16 ery to military forces for operational training, operational  
17 use or inventory requirements: *Provided*, That this restric-  
18 tion does not apply to end-items used in development,  
19 prototyping, and test activities preceding and leading to  
20 acceptance for operational use: *Provided further*, That this  
21 restriction does not apply to programs funded within the  
22 National Foreign Intelligence Program: *Provided further*,  
23 That the Secretary of Defense may waive this restriction  
24 on a case-by-case basis by certifying in writing to the  
25 Committees on Appropriations of the House of Represent-

1 atives and the Senate that it is in the national security  
2 interest to do so.

3 SEC. 8075. None of the funds made available in this  
4 Act may be used to approve or license the sale of the F-  
5 22 advanced tactical fighter to any foreign government.

6 SEC. 8076. (a) The Secretary of Defense may, on a  
7 case-by-case basis, waive with respect to a foreign country  
8 each limitation on the procurement of defense items from  
9 foreign sources provided in law if the Secretary determines  
10 that the application of the limitation with respect to that  
11 country would invalidate cooperative programs entered  
12 into between the Department of Defense and the foreign  
13 country, or would invalidate reciprocal trade agreements  
14 for the procurement of defense items entered into under  
15 section 2531 of title 10, United States Code, and the  
16 country does not discriminate against the same or similar  
17 defense items produced in the United States for that coun-  
18 try.

19 (b) Subsection (a) applies with respect to—

20 (1) contracts and subcontracts entered into on  
21 or after the date of the enactment of this Act; and

22 (2) options for the procurement of items that  
23 are exercised after such date under contracts that  
24 are entered into before such date if the option prices

1 are adjusted for any reason other than the applica-  
2 tion of a waiver granted under subsection (a).

3 (c) Subsection (a) does not apply to a limitation re-  
4 garding construction of public vessels, ball and roller bear-  
5 ings, food, and clothing or textile materials as defined by  
6 section 11 (chapters 50–65) of the Harmonized Tariff  
7 Schedule and products classified under headings 4010,  
8 4202, 4203, 6401 through 6406, 6505, 7019, 7218  
9 through 7229, 7304.41 through 7304.49, 7306.40, 7502  
10 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

11 SEC. 8077. (a) PROHIBITION.—None of the funds  
12 made available by this Act may be used to support any  
13 training program involving a unit of the security forces  
14 of a foreign country if the Secretary of Defense has re-  
15 ceived credible information from the Department of State  
16 that the unit has committed a gross violation of human  
17 rights, unless all necessary corrective steps have been  
18 taken.

19 (b) MONITORING.—The Secretary of Defense, in con-  
20 sultation with the Secretary of State, shall ensure that  
21 prior to a decision to conduct any training program re-  
22 ferred to in subsection (a), full consideration is given to  
23 all credible information available to the Department of  
24 State relating to human rights violations by foreign secu-  
25 rity forces.

1           (c) WAIVER.—The Secretary of Defense, after con-  
2 sultation with the Secretary of State, may waive the prohi-  
3 bition in subsection (a) if he determines that such waiver  
4 is required by extraordinary circumstances.

5           (d) REPORT.—Not more than 15 days after the exer-  
6 cise of any waiver under subsection (c), the Secretary of  
7 Defense shall submit a report to the congressional defense  
8 committees describing the extraordinary circumstances,  
9 the purpose and duration of the training program, the  
10 United States forces and the foreign security forces in-  
11 volved in the training program, and the information relat-  
12 ing to human rights violations that necessitates the waiv-  
13 er.

14           SEC. 8078. The Secretary of Defense, in coordination  
15 with the Secretary of Health and Human Services, may  
16 carry out a program to distribute surplus dental equip-  
17 ment of the Department of Defense, at no cost to the De-  
18 partment of Defense, to Indian Health Service facilities  
19 and to federally-qualified health centers (within the mean-  
20 ing of section 1905(l)(2)(B) of the Social Security Act (42  
21 U.S.C. 1396d(l)(2)(B))).

22           SEC. 8079. None of the funds appropriated or made  
23 available in this Act to the Department of the Navy shall  
24 be used to develop, lease or procure the T-AKE class of  
25 ships unless the main propulsion diesel engines and

1 propulsors are manufactured in the United States by a  
2 domestically operated entity: *Provided*, That the Secretary  
3 of Defense may waive this restriction on a case-by-case  
4 basis by certifying in writing to the Committees on Appro-  
5 priations of the House of Representatives and the Senate  
6 that adequate domestic supplies are not available to meet  
7 Department of Defense requirements on a timely basis  
8 and that such an acquisition must be made in order to  
9 acquire capability for national security purposes or there  
10 exists a significant cost or quality difference.

11       SEC. 8080. None of the funds appropriated or other-  
12 wise made available by this or other Department of De-  
13 fense Appropriations Acts may be obligated or expended  
14 for the purpose of performing repairs or maintenance to  
15 military family housing units of the Department of De-  
16 fense, including areas in such military family housing  
17 units that may be used for the purpose of conducting offi-  
18 cial Department of Defense business.

19       SEC. 8081. Notwithstanding any other provision of  
20 law, funds appropriated in this Act under the heading  
21 “Research, Development, Test and Evaluation, Defense-  
22 Wide” for any advanced concept technology demonstration  
23 project may only be obligated 30 days after a report, in-  
24 cluding a description of the project and its estimated an-  
25 nual and total cost, has been provided in writing to the

1 congressional defense committees: *Provided*, That the Sec-  
2 retary of Defense may waive this restriction on a case-  
3 by-case basis by certifying to the congressional defense  
4 committees that it is in the national interest to do so.

5       SEC. 8082. Notwithstanding any other provision of  
6 law, for the purpose of establishing all Department of De-  
7 fense policies governing the provision of care provided by  
8 and financed under the military health care system's case  
9 management program under 10 U.S.C. 1079(a)(17), the  
10 term "custodial care" shall be defined as care designed  
11 essentially to assist an individual in meeting the activities  
12 of daily living and which does not require the supervision  
13 of trained medical, nursing, paramedical or other specially  
14 trained individuals: *Provided*, That the case management  
15 program shall provide that members and retired members  
16 of the military services, and their dependents and sur-  
17 vivors, have access to all medically necessary health care  
18 through the health care delivery system of the military  
19 services regardless of the health care status of the person  
20 seeking the health care: *Provided further*, That the case  
21 management program shall be the primary obligor for pay-  
22 ment of medically necessary services and shall not be con-  
23 sidered as secondarily liable to title XIX of the Social Se-  
24 curity Act, other welfare programs or charity based care.

1        SEC. 8083. During the current fiscal year and here-  
2 after, refunds attributable to the use of the Government  
3 travel card, refunds attributable to the use of the Govern-  
4 ment Purchase Card and refunds attributable to official  
5 Government travel arranged by Government Contracted  
6 Travel Management Centers may be credited to operation  
7 and maintenance accounts of the Department of Defense  
8 which are current when the refunds are received.

9        SEC. 8084. (a) REGISTERING FINANCIAL MANAGE-  
10 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD  
11 CHIEF INFORMATION OFFICER.—None of the funds ap-  
12 propriated in this Act may be used for a mission critical  
13 or mission essential financial management information  
14 technology system (including a system funded by the de-  
15 fense working capital fund) that is not registered with the  
16 Chief Information Officer of the Department of Defense.  
17 A system shall be considered to be registered with that  
18 officer upon the furnishing to that officer of notice of the  
19 system, together with such information concerning the  
20 system as the Secretary of Defense may prescribe. A fi-  
21 nancial management information technology system shall  
22 be considered a mission critical or mission essential infor-  
23 mation technology system as defined by the Under Sec-  
24 retary of Defense (Comptroller).

1 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-  
2 NANCIAL MANAGEMENT MODERNIZATION PLAN.—

3 (1) During the current fiscal year, a financial  
4 management automated information system, a mixed  
5 information system supporting financial and non-fi-  
6 nancial systems, or a system improvement of more  
7 than \$1,000,000 may not receive Milestone A ap-  
8 proval, Milestone B approval, or full rate production,  
9 or their equivalent, within the Department of De-  
10 fense until the Under Secretary of Defense (Comp-  
11 troller) certifies, with respect to that milestone, that  
12 the system is being developed and managed in ac-  
13 cordance with the Department's Financial Manage-  
14 ment Modernization Plan. The Under Secretary of  
15 Defense (Comptroller) may require additional certifi-  
16 cations, as appropriate, with respect to any such sys-  
17 tem.

18 (2) The Chief Information Officer shall provide  
19 the congressional defense committees timely notifica-  
20 tion of certifications under paragraph (1).

21 (c) CERTIFICATIONS AS TO COMPLIANCE WITH  
22 CLINGER-COHEN ACT.—

23 (1) During the current fiscal year, a major  
24 automated information system may not receive Mile-  
25 stone A approval, Milestone B approval, or full rate

1 production approval, or their equivalent, within the  
2 Department of Defense until the Chief Information  
3 Officer certifies, with respect to that milestone, that  
4 the system is being developed in accordance with the  
5 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).  
6 The Chief Information Officer may require addi-  
7 tional certifications, as appropriate, with respect to  
8 any such system.

9 (2) The Chief Information Officer shall provide  
10 the congressional defense committees timely notifica-  
11 tion of certifications under paragraph (1). Each  
12 such notification shall include, at a minimum, the  
13 funding baseline and milestone schedule for each  
14 system covered by such a certification and confirma-  
15 tion that the following steps have been taken with  
16 respect to the system:

17 (A) Business process reengineering.

18 (B) An analysis of alternatives.

19 (C) An economic analysis that includes a  
20 calculation of the return on investment.

21 (D) Performance measures.

22 (E) An information assurance strategy  
23 consistent with the Department's Global Infor-  
24 mation Grid.

25 (d) DEFINITIONS.—For purposes of this section:

1           (1) The term “Chief Information Officer”  
2           means the senior official of the Department of De-  
3           fense designated by the Secretary of Defense pursu-  
4           ant to section 3506 of title 44, United States Code.

5           (2) The term “information technology system”  
6           has the meaning given the term “information tech-  
7           nology” in section 5002 of the Clinger-Cohen Act of  
8           1996 (40 U.S.C. 1401).

9           SEC. 8085. During the current fiscal year, none of  
10          the funds available to the Department of Defense may be  
11          used to provide support to another department or agency  
12          of the United States if such department or agency is more  
13          than 90 days in arrears in making payment to the Depart-  
14          ment of Defense for goods or services previously provided  
15          to such department or agency on a reimbursable basis:  
16          *Provided*, That this restriction shall not apply if the de-  
17          partment is authorized by law to provide support to such  
18          department or agency on a nonreimbursable basis, and is  
19          providing the requested support pursuant to such author-  
20          ity: *Provided further*, That the Secretary of Defense may  
21          waive this restriction on a case-by-case basis by certifying  
22          in writing to the Committees on Appropriations of the  
23          House of Representatives and the Senate that it is in the  
24          national security interest to do so.

1       SEC. 8086. None of the funds provided in this Act  
2 may be used to transfer to any nongovernmental entity  
3 ammunition held by the Department of Defense that has  
4 a center-fire cartridge and a United States military no-  
5 menclature designation of “armor penetrator”, “armor  
6 piercing (AP)”, “armor piercing incendiary (API)”, or  
7 “armor-piercing incendiary-tracer (API-T)”, except to an  
8 entity performing demilitarization services for the Depart-  
9 ment of Defense under a contract that requires the entity  
10 to demonstrate to the satisfaction of the Department of  
11 Defense that armor piercing projectiles are either: (1) ren-  
12 dered incapable of reuse by the demilitarization process;  
13 or (2) used to manufacture ammunition pursuant to a con-  
14 tract with the Department of Defense or the manufacture  
15 of ammunition for export pursuant to a License for Per-  
16 manent Export of Unclassified Military Articles issued by  
17 the Department of State.

18       SEC. 8087. Notwithstanding any other provision of  
19 law, the Chief of the National Guard Bureau, or his des-  
20 ignee, may waive payment of all or part of the consider-  
21 ation that otherwise would be required under 10 U.S.C.  
22 2667, in the case of a lease of personal property for a  
23 period not in excess of 1 year to any organization specified  
24 in 32 U.S.C. 508(d), or any other youth, social, or fra-  
25 ternal non-profit organization as may be approved by the

1 Chief of the National Guard Bureau, or his designee, on  
2 a case-by-case basis.

3 SEC. 8088. None of the funds appropriated by this  
4 Act shall be used for the support of any nonappropriated  
5 funds activity of the Department of Defense that procures  
6 malt beverages and wine with nonappropriated funds for  
7 resale (including such alcoholic beverages sold by the  
8 drink) on a military installation located in the United  
9 States unless such malt beverages and wine are procured  
10 within that State, or in the case of the District of Colum-  
11 bia, within the District of Columbia, in which the military  
12 installation is located: *Provided*, That in a case in which  
13 the military installation is located in more than one State,  
14 purchases may be made in any State in which the installa-  
15 tion is located: *Provided further*, That such local procure-  
16 ment requirements for malt beverages and wine shall  
17 apply to all alcoholic beverages only for military installa-  
18 tions in States which are not contiguous with another  
19 State: *Provided further*, That alcoholic beverages other  
20 than wine and malt beverages, in contiguous States and  
21 the District of Columbia shall be procured from the most  
22 competitive source, price and other factors considered.

23 SEC. 8089. (a) The Department of Defense is author-  
24 ized to enter into agreements with the Department of Vet-  
25 erans Affairs and federally-funded health agencies pro-

1 viding services to Native Hawaiians for the purpose of es-  
2 tablishing a partnership similar to the Alaska Federal  
3 Health Care Partnership, in order to maximize Federal  
4 resources in the provision of health care services by feder-  
5 ally-funded health agencies, applying telemedicine tech-  
6 nologies. For the purpose of this partnership, Native Ha-  
7 waiians shall have the same status as other Native Ameri-  
8 cans who are eligible for the health care services provided  
9 by the Indian Health Service.

10 (b) The Department of Defense is authorized to de-  
11 velop a consultation policy, consistent with Executive  
12 Order No. 13084 (issued May 14, 1998), with Native Ha-  
13 waiians for the purpose of assuring maximum Native Ha-  
14 waiian participation in the direction and administration of  
15 governmental services so as to render those services more  
16 responsive to the needs of the Native Hawaiian commu-  
17 nity.

18 (c) For purposes of this section, the term “Native  
19 Hawaiian” means any individual who is a descendant of  
20 the aboriginal people who, prior to 1778, occupied and ex-  
21 ercised sovereignty in the area that now comprises the  
22 State of Hawaii.

23 SEC. 8090. Funds available to the Department of De-  
24 fense for the Global Positioning System during the current  
25 fiscal year may be used to fund civil requirements associ-

1 ated with the satellite and ground control segments of  
2 such system's modernization program.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8091. Of the amounts appropriated in this Act  
5 under the heading, "Research, Development, Test and  
6 Evaluation, Defense-Wide", \$48,000,000 shall remain  
7 available until expended: *Provided*, That notwithstanding  
8 any other provision of law, the Secretary of Defense is  
9 authorized to transfer such funds to other activities of the  
10 Federal Government: *Provided further*, That of the  
11 amounts made available under the heading "Operation  
12 and Maintenance, Army", up to \$177,000,000 shall re-  
13 main available until expended, and is available for the ac-  
14 quisition of real property, construction, personal services,  
15 and operations, for certain classified activities, and may  
16 be transferred to other appropriations accounts of the De-  
17 partment of Defense, and notwithstanding any other pro-  
18 vision of law, such funds may be obligated to carry out  
19 projects not otherwise authorized by law: *Provided further*,  
20 That any funds transferred shall be merged with and  
21 made available for the same time period and for the same  
22 purposes as the appropriations to which transferred: *Pro-*  
23 *vided further*, That the transfer authority provided in this  
24 paragraph is in addition to any other transfer authority  
25 provided to the Department of Defense.

1       SEC. 8092. Section 8106 of the Department of De-  
2 fense Appropriations Act, 1997 (titles I through VIII of  
3 the matter under subsection 101(b) of Public Law 104-  
4 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-  
5 tinue in effect to apply to disbursements that are made  
6 by the Department of Defense in fiscal year 2004.

7       SEC. 8093. In addition to amounts provided in this  
8 Act, \$2,000,000 is hereby appropriated for “Defense  
9 Health Program”, to remain available for obligation until  
10 expended: *Provided*, That notwithstanding any other pro-  
11 vision of law, these funds shall be available only for a  
12 grant to the Fisher House Foundation, Inc., only for the  
13 construction and furnishing of additional Fisher Houses  
14 to meet the needs of military family members when con-  
15 fronted with the illness or hospitalization of an eligible  
16 military beneficiary.

17       SEC. 8094. Amounts appropriated in title II are here-  
18 by reduced by \$172,500,000 to reflect savings attributable  
19 to improvements in the management of professional sup-  
20 port services, surveys and analysis, and engineering and  
21 technical support contracted by the military departments,  
22 as follows:

23               (1) From “Operation and Maintenance, Army”,  
24       \$21,500,000.

1           (2) From “Operation and Maintenance, Navy”,  
2     \$34,400,000.

3           (3) From “Operation and Maintenance, Marine  
4     Corps”, \$4,300,000.

5           (4) From “Operation and Maintenance, Air  
6     Force”, \$21,300,000.

7           (5) From “Operation and Maintenance, De-  
8     fense-Wide”, \$91,000,000.

9                           (INCLUDING TRANSFER OF FUNDS)

10       SEC. 8095. Of the amounts appropriated in this Act  
11 under the heading “Shipbuilding and Conversion, Navy”,  
12 \$899,502,000 shall be available until September 30, 2004,  
13 to fund prior year shipbuilding cost increases: *Provided*,  
14 That upon enactment of this Act, the Secretary of the  
15 Navy shall transfer such funds to the following appropria-  
16 tions in the amounts specified: *Provided further*, That the  
17 amounts transferred shall be merged with and be available  
18 for the same purposes as the appropriations to which  
19 transferred:

20       To:

21           Under the heading, “Shipbuilding and Conver-  
22     sion, Navy, 1996/04”:

23                           LPD–17 Amphibious Transport Dock Ship  
24     Program, \$150,300,000;

25           Under the heading, “Shipbuilding and Conver-  
26     sion, Navy, 1998/04”:

1                   New SSN, \$81,060,000;

2                   Under the heading, “Shipbuilding and Conver-  
3                   sion, Navy, 1999/04”:

4                   DDG–51           Destroyer           Program,  
5                   \$44,420,000;

6                   New SSN, \$166,978,000;

7                   LPD–17 Amphibious Transport Dock Ship  
8                   Program \$86,821,000;

9                   Under the heading, “Shipbuilding and Conver-  
10                  sion, Navy, 2000/04”:

11                  DDG–51           Destroyer           Program,  
12                  \$69,460,000;

13                  LPD–17 Amphibious Transport Dock Ship  
14                  Program \$112,778,000; and

15                  Under the heading, “Shipbuilding and Conver-  
16                  sion, Navy, 2001/04”:

17                  DDG–51           Destroyer           Program,  
18                  \$90,313,000; and

19                  New SSN, \$97,372,000.

20                  SEC. 8096. The Secretary of the Navy may settle,  
21                  or compromise, and pay any and all admiralty claims  
22                  under 10 U.S.C. 7622 arising out of the collision involving  
23                  the U.S.S. GREENEVILLE and the EHIME MARU, in  
24                  any amount and without regard to the monetary limita-  
25                  tions in subsections (a) and (b) of that section: *Provided,*

1 That such payments shall be made from funds available  
2 to the Department of the Navy for operation and mainte-  
3 nance.

4 SEC. 8097. Notwithstanding any other provision of  
5 law or regulation, the Secretary of Defense may exercise  
6 the provisions of 38 U.S.C. 7403(g) for occupations listed  
7 in 38 U.S.C. 7403(a)(2) as well as the following:

8 Pharmacists, Audiologists, and Dental Hygien-  
9 ists.

10 (A) The requirements of 38 U.S.C.  
11 7403(g)(1)(A) shall apply.

12 (B) The limitations of 38 U.S.C.  
13 7403(g)(1)(B) shall not apply.

14 SEC. 8098. Funds appropriated by this Act, or made  
15 available by the transfer of funds in this Act, for intel-  
16 ligence activities are deemed to be specifically authorized  
17 by the Congress for purposes of section 504 of the Na-  
18 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
19 year 2004 until the enactment of the Intelligence Author-  
20 ization Act for fiscal year 2004.

21 SEC. 8099. The total amount appropriated in title II  
22 is hereby reduced by \$320,000,000 to reduce cost growth  
23 in information technology development, to be derived as  
24 follows:

1 (1) From “Operation and Maintenance, Army”,  
2 \$60,000,000.

3 (2) From “Operation and Maintenance, Navy”,  
4 \$100,000,000.

5 (3) From “Operation and Maintenance, Air  
6 Force”, \$100,000,000.

7 (4) From “Operation and Maintenance, De-  
8 fense-Wide”, \$60,000,000.

9 SEC. 8100. None of the funds in this Act may be  
10 used to initiate a new start program without prior notifica-  
11 tion to the Office of Secretary of Defense and the congres-  
12 sional defense committees.

13 SEC. 8101. The amounts appropriated in title II are  
14 hereby reduced by \$539,000,000 to reflect cash balance  
15 and rate stabilization adjustments in Department of De-  
16 fense Working Capital Funds, as follows:

17 (1) From “Operation and Maintenance, Army”,  
18 \$107,000,000.

19 (2) From “Operation and Maintenance, Navy”,  
20 \$45,000,000.

21 (3) From “Operation and Maintenance, Air  
22 Force”, \$387,000,000.

23 SEC. 8102. The amount appropriated in title II for  
24 “Operation and Maintenance, Navy” is hereby reduced by  
25 \$96,000,000 to reduce excess funded carryover.

1        SEC. 8103. (a) In addition to the amounts provided  
2 elsewhere in this Act, the amount of \$5,500,000 is hereby  
3 appropriated to the Department of Defense for “Oper-  
4 ation and Maintenance, Army National Guard”. Such  
5 amount shall be made available to the Secretary of the  
6 Army only to make a grant in the amount of \$5,500,000  
7 to the entity specified in subsection (b) to facilitate access  
8 by veterans to opportunities for skilled employment in the  
9 construction industry.

10        (b) The entity referred to in subsection (a) is the  
11 Center for Military Recruitment, Assessment and Vet-  
12 erans Employment, a nonprofit labor-management co-op-  
13 eration committee provided for by section 302(c)(9) of the  
14 Labor-Management Relations Act, 1947 (29 U.S.C.  
15 186(c)(9)), for the purposes set forth in section 6(b) of  
16 the Labor Management Cooperation Act of 1978 (29  
17 U.S.C. 175a note).

18        SEC. 8104. (a) During the current fiscal year and  
19 hereafter, funds available to the Secretary of a military  
20 department for Operation and Maintenance may be used  
21 for the purposes stated in subsection (b) to support chap-  
22 lain-led programs to assist members of the Armed Forces  
23 and their immediate family members in building and  
24 maintaining a strong family structure.

1 (b) The purposes referred to in subsection (a) are  
2 costs of transportation, food, lodging, supplies, fees, and  
3 training materials for members of the Armed Forces and  
4 their family members while participating in such pro-  
5 grams, including participation at retreats and conferences.

6 SEC. 8105. FINANCING AND FIELDING OF KEY ARMY  
7 CAPABILITIES.—The Department of Defense and the De-  
8 partment of the Army shall make future budgetary and  
9 programming plans to fully finance the Non-Line of Sight  
10 (NLOS) Objective Force cannon and resupply vehicle pro-  
11 gram in order to field this system in the 2008 timeframe.  
12 As an interim capability to enhance Army lethality, surviv-  
13 ability, and mobility for light and medium forces before  
14 complete fielding of the Objective Force, the Army shall  
15 ensure that budgetary and programmatic plans will pro-  
16 vide for no fewer than six Stryker Brigade Combat Teams  
17 to be fielded between 2003 and 2008.

18 SEC. 8106. (a) MANAGEMENT OF CHEMICAL DEMILI-  
19 TARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT,  
20 KENTUCKY.—If a technology other than the baseline in-  
21 cineration program is selected for the destruction of lethal  
22 chemical munitions pursuant to section 142 of the Strom  
23 Thurmond National Defense Authorization Act for Fiscal  
24 Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note),  
25 the program manager for the Assembled Chemical Weap-

1 ons Assessment shall be responsible for management of  
2 the construction, operation, and closure, and any con-  
3 tracting relating thereto, of chemical demilitarization ac-  
4 tivities at Bluegrass Army Depot, Kentucky, including  
5 management of the pilot-scale facility phase of the alter-  
6 native technology.

7 (b) MANAGEMENT OF CHEMICAL DEMILITARIZATION  
8 ACTIVITIES AT PUEBLO DEPOT, COLORADO.—The pro-  
9 gram manager for the Assembled Chemical Weapons As-  
10 sessment shall be responsible for management of the con-  
11 struction, operation, and closure, and any contracting re-  
12 lating thereto, of chemical demilitarization activities at  
13 Pueblo Army Depot, Colorado, including management of  
14 the pilot-scale facility phase of the alternative technology  
15 selected for the destruction of lethal chemical munitions.

16 SEC. 8107. In addition to the amounts appropriated  
17 or otherwise made available in this Act, \$6,500,000, to  
18 remain available until September 30, 2004, is hereby ap-  
19 propriated to the Department of Defense: *Provided*, That  
20 the Secretary of Defense shall make grants in the amount  
21 of \$4,000,000 to the American Red Cross for Armed  
22 Forces Emergency Services; and \$2,500,000 to the In-  
23 trepid Sea-Air-Space Foundation.

24 SEC. 8108. None of the funds appropriated in this  
25 Act under the heading “Overseas Contingency Operations

1 Transfer Fund” may be transferred or obligated for De-  
2 partment of Defense expenses not directly related to the  
3 conduct of overseas contingencies: *Provided*, That the Sec-  
4 retary of Defense shall submit a report no later than 30  
5 days after the end of each fiscal quarter to the Committees  
6 on Appropriations of the Senate and House of Representa-  
7 tives that details any transfer of funds from the “Overseas  
8 Contingency Operations Transfer Fund”: *Provided fur-*  
9 *ther*, That the report shall explain any transfer for the  
10 maintenance of real property, pay of civilian personnel,  
11 base operations support, and weapon, vehicle or equipment  
12 maintenance.

13 SEC. 8109. For purposes of section 1553(b) of title  
14 31, United States Code, any subdivision of appropriations  
15 made in this Act under the heading “Shipbuilding and  
16 Conversion, Navy” shall be considered to be for the same  
17 purpose as any subdivision under the heading “Ship-  
18 building and Conversion, Navy” appropriations in any  
19 prior fiscal year, and the 1 percent limitation shall apply  
20 to the total amount of the appropriation.

21 SEC. 8110. None of the funds in this Act may be  
22 used for research, development, test, evaluation, procure-  
23 ment or deployment of nuclear armed interceptors of a  
24 missile defense system.

1        SEC. 8111. Notwithstanding section 2465 of title 10  
2 U.S.C., the Secretary of the Navy may use funds appro-  
3 priated in title II of this Act under the heading, “Oper-  
4 ation and Maintenance, Navy”, to liquidate the expenses  
5 incurred for private security guard services performed at  
6 the Naval Support Unit, Saratoga Springs, New York by  
7 Burns International Security Services, Albany, New York  
8 in the amount of \$29,323.35, plus accrued interest, if any.

9        SEC. 8112. Of the amounts provided in title II of this  
10 Act under the heading, “Operation and Maintenance, De-  
11 fense-Wide”, \$20,000,000 is available for the Regional  
12 Defense Counter-terrorism Fellowship Program, to fund  
13 the education and training of foreign military officers,  
14 ministry of defense civilians, and other foreign security of-  
15 ficials, to include United States military officers and civil-  
16 ian officials whose participation directly contributes to the  
17 education and training of these foreign students.

18        SEC. 8113. (a) EXCHANGE REQUIRED.—In exchange  
19 for the private property described in subsection (b), the  
20 Secretary of the Interior shall convey to the Veterans  
21 Home of California—Barstow, Veterans of Foreign Wars  
22 Post #385E (in this section referred to as the “recipi-  
23 ent”), all right, title, and interest of the United States  
24 in and to a parcel of real property consisting of approxi-  
25 mately one acre in the Mojave National Preserve and des-

1 ignated (by section 8137 of the Department of Defense  
2 Appropriations Act, 2002 (Public Law 107–117; 115 Stat.  
3 2278)) as a national memorial commemorating United  
4 States participation in World War I and honoring the  
5 American veterans of that war. Notwithstanding the con-  
6 veyance of the property under this subsection, the Sec-  
7 retary shall continue to carry out the responsibilities of  
8 the Secretary under such section 8137.

9 (b) CONSIDERATION.—As consideration for the prop-  
10 erty to be conveyed by the Secretary under subsection (a),  
11 Mr. and Mrs. Henry Sandoz of Mountain Pass, California,  
12 have agreed to convey to the Secretary a parcel of real  
13 property consisting of approximately five acres, identified  
14 as parcel APN 569–051–44, and located in the west  $\frac{1}{2}$   
15 of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of the northwest  
16  $\frac{1}{4}$  of section 11, township 14 north, range 15 east, San  
17 Bernardino base and meridian.

18 (c) EQUAL VALUE EXCHANGE; APPRAISAL.—The  
19 values of the properties to be exchanged under this section  
20 shall be equal or equalized as provided in subsection (d).  
21 The value of the properties shall be determined through  
22 an appraisal performed by a qualified appraiser in con-  
23 formance with the Uniform Appraisal Standards for Fed-  
24 eral Land Acquisitions (Department of Justice, December  
25 2000).

1 (d) CASH EQUALIZATION.—Any difference in the  
2 value of the properties to be exchanged under this section  
3 shall be equalized through the making of a cash equali-  
4 zation payment. The Secretary shall deposit any cash  
5 equalization payment received by the Secretary under this  
6 subsection in the Land and Water Conservation Fund.

7 (e) REVERSIONARY CLAUSE.—The conveyance under  
8 subsection (a) shall be subject to the condition that the  
9 recipient maintain the conveyed property as a memorial  
10 commemorating United States participation in World War  
11 I and honoring the American veterans of that war. If the  
12 Secretary determines that the conveyed property is no  
13 longer being maintained as a war memorial, the property  
14 shall revert to the ownership of the United States.

15 (f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF  
16 ACQUIRED LAND.—The boundaries of the Mojave Na-  
17 tional Preserve shall be adjusted to reflect the land ex-  
18 change required by this section. The property acquired by  
19 the Secretary under this section shall become part of the  
20 Mojave National Preserve and be administered in accord-  
21 ance with the laws, rules, and regulations generally appli-  
22 cable to the Mojave National Preserve.

23 SEC. 8114. None of the funds appropriated or made  
24 available in this Act shall be used to reduce or disestablish  
25 the operation of the 53d Weather Reconnaissance Squad-

1 ron of the Air Force Reserve, if such action would reduce  
2 the WC-130 Weather Reconnaissance mission below the  
3 levels funded in this Act.

4       SEC. 8115. The Secretary of the Air Force shall con-  
5 vey, without consideration, to the Inland Valley Develop-  
6 ment Agency all right, title, and interest of the United  
7 States in and to certain parcels of real property, including  
8 improvements thereon, located in San Bernardino, Cali-  
9 fornia, that consist of approximately 39 acres and are  
10 leased, as of June 1, 2003, by the Secretary to the De-  
11 fense Finance and Accounting Service. The conveyance  
12 shall be subject to the condition that the Inland Valley  
13 Development Agency and the Director of the Defense Fi-  
14 nance and Accounting Service enter into a lease-back  
15 agreement, acceptable to the Director, for premises re-  
16 quired by the Director for support operations conducted  
17 by the Defense Finance and Accounting Service.

18       SEC. 8116. Notwithstanding the provisions of section  
19 2401 of title 10, United States Code, the Secretary of the  
20 Navy is authorized to enter into a contract for the charter  
21 for a period through fiscal year 2008, of the vessel, RV  
22 CORY CHOUEST (United States Official Number  
23 933435) in support of the Surveillance Towed Array Sen-  
24 sor (SURTASS) program: *Provided*, That funding for this

1 lease shall be from within funds provided in this Act and  
2 future appropriations Acts.

3       SEC. 8117. In addition to the amounts appropriated  
4 or otherwise made available elsewhere in this Act, and not-  
5 withstanding any other provision of law, \$20,000,000 is  
6 hereby appropriated to “Operation and Maintenance,  
7 Army”, to remain available until September 30, 2004, to  
8 be available only for a grant in the amount of \$20,000,000  
9 to the Silver Valley Unified School District, Silver Valley,  
10 California, for the purpose of school construction at Fort  
11 Irwin, California.

12       SEC. 8118. Amounts appropriated in title II are here-  
13 by reduced by \$294,000,000 to reflect savings attributable  
14 to efficiencies and management improvements in the fund-  
15 ing of miscellaneous or other contracts in the military de-  
16 partments, as follows:

17           (1) From “Operation and Maintenance, Army,”  
18       \$27,000,000;

19           (2) From “Operation and Maintenance, Navy,”  
20       \$50,000,000; and

21           (3) From “Operation and Maintenance, Air  
22       Force”, \$217,000,000.

23       SEC. 8119. The amount appropriated in title II for  
24 “Operation and Maintenance, Air Force” is hereby re-  
25 duced by \$600,000,000 to reflect cash balance and rate

1 stabilization adjustments in the Department of Defense  
2 Transportation Working Capital Fund.

3 (RESCISSION)

4 SEC. 8120. Of the funds made available in chapter  
5 3 of title I of the Emergency Wartime Supplemental Ap-  
6 propriations Act, 2003 (Public Law 108–11), under the  
7 heading “Iraq Freedom Fund” (117 Stat. 563),  
8 \$2,000,000,000 is hereby rescinded.

9 SEC. 8121. Of the total amount appropriated by this  
10 Act under the heading “Operation and Maintenance, De-  
11 fense-Wide” to provide assistance to local educational  
12 agencies for children of members of the Armed Forces and  
13 Department of Defense civilian employees with severe dis-  
14 abilities, the Secretary of Defense may use up to \$855,566  
15 to make additional payment under section 363 of the  
16 Floyd D. Spence National Defense Authorization Act for  
17 Fiscal Year 2001 (20 U.S.C. 7703(a)) to those local edu-  
18 cational agencies whose percentage reduction in the pay-  
19 ment amount for fiscal year 2002 was in excess of the  
20 reduction otherwise imposed under subsection (d) of such  
21 section for that fiscal year. The Secretary of Defense may  
22 waive collection of any overpayment made to local edu-  
23 cational agencies under such section for fiscal year 2002.

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 8122. None of the funds made available in this  
26 Act may be transferred to any department, agency, or in-

1 strumentality of the United States Government, except  
2 pursuant to a transfer made by, or transfer authority pro-  
3 vided in, this Act or any other appropriations Act.

4       SEC. 8123. None of the funds appropriated or other-  
5 wise made available by this Act may be used to implement  
6 any amendment or revision of, or cancel, the Department  
7 of Defense Directive 1344.7, “Personal Commercial Solici-  
8 tation on DoD Installations”, until 90 days following the  
9 date the Secretary of Defense submits to Congress notice  
10 of the amendment, revision or cancellation, and the rea-  
11 sons therefore.

12       SEC. 8124. LIMITATION ON DEPLOYMENT OF TER-  
13 RORISM INFORMATION AWARENESS PROGRAM.—

14           (1) Notwithstanding any other provision of law  
15 and except as provided in paragraph (2), if and  
16 when research and development on the Terrorism  
17 Information Awareness program (formerly known as  
18 the Total Information Awareness program), or any  
19 component of such program, permits the deployment  
20 or implementation of such program or component,  
21 no department, agency, or element of the Federal  
22 Government may deploy or implement such program  
23 or component, or transfer such program or compo-  
24 nent to another department, agency, or element of

1 the Federal Government, until the Secretary of De-  
2 fense—

3 (A) notifies Congress of that development,  
4 including a specific and detailed description  
5 of—

6 (i) each element or component of such  
7 program intended to be deployed or imple-  
8 mented; and

9 (ii) the method and scope of the in-  
10 tended deployment or implementation of  
11 such program or component (including the  
12 data or information to be accessed or  
13 used); and

14 (B) has received specific authorization by  
15 law from Congress for the deployment or imple-  
16 mentation of such program or component, in-  
17 cluding—

18 (i) a specific authorization by law for  
19 the deployment or implementation of such  
20 program or component; and

21 (ii) a specific appropriation by law of  
22 funds for the deployment or implementa-  
23 tion of such program or component.

24 (2) The limitation in paragraph (1) shall not  
25 apply with respect to the deployment or implementa-

1 tion of the Terrorism Information Awareness pro-  
2 gram, or a component of such program, in support  
3 of the following:

4 (A) Lawful military operations of the  
5 United States conducted outside the United  
6 States.

7 (B) Lawful foreign intelligence activities  
8 conducted wholly overseas, or wholly against  
9 non-United States citizens.

10 SEC. 8125. (a) CLOSURE OF NAVAL STATION ROO-  
11 SEVELT ROADS, PUERTO RICO.—Notwithstanding any  
12 other provision of law, the Secretary of the Navy shall  
13 close Naval Station Roosevelt Roads, Puerto Rico, no later  
14 than six months after enactment of this Act.

15 (b) DISPOSAL.—

16 (1) The Secretary of the Navy shall exercise the  
17 authority granted to the Administrator of the Gen-  
18 eral Services pursuant to section 545 of title 40 and  
19 dispose of the real property and associated personal  
20 property at the former Naval Station by public sale.

21 (2) The Secretary of the Navy may transfer ex-  
22 cess personal property or dispose of surplus personal  
23 property located at the installation pursuant to the  
24 Federal Property and Administrative Services Act of  
25 1949 (40 U.S.C. 521 et seq.).

1 (c) The Secretary of the Navy may use funds in the  
2 Department of Defense Base Closure Account established  
3 by section 2906 of the Defense Base Closure and Realign-  
4 ment Act of 1990, Public Law 101–510 to implement the  
5 closure.

6 (d) There shall be deposited into the Account referred  
7 to in subsection (c) the proceeds of sale from the disposal  
8 of property authorized by subsection (b) for the benefit  
9 of the Department of the Navy.

10 SEC. 8126. In addition to amounts provided else-  
11 where in this Act, the following amounts shall be made  
12 available for the purposes specified:

13 (1) The amount of \$5,000,000 is hereby appro-  
14 priated for “Operation and Maintenance, Army Na-  
15 tional Guard”, for the nationwide dedicated fiber  
16 optic network program.

17 (2) The amount of \$14,000,000 is hereby ap-  
18 propriated for “Procurement, Marine Corps”, of  
19 which \$9,600,000 is for the AN/PRC–148 tactical  
20 handheld radio, and \$4,400,000 is for combat cas-  
21 ualty care equipment.

22 (3) The amount of \$5,000,000 is hereby appro-  
23 priated for “Research, Development, Test and Eval-  
24 uation, Air Force”, for low emission/efficient hybrid  
25 aviation refueling truck propulsion.





**Calendar No. 190**

108TH CONGRESS  
1ST SESSION

**H. R. 2658**

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**AN ACT**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

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JULY 10, 2003

Read twice and placed on the calendar